141

DEPARTMENT OF ST
APR
10
1883
RECEIVED

Mr. Chilton

No 95.- Consulate General of the United States.

Havana April 4th. 1883.

Adam Badeau.

to the Department of State.

Subject: Reporting receipt of Despatch. N° 36. from Department.

Abstract of Contents.

Inclosures.

No. 95. Consulate General of the United States.

Havana April 4th. 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

I have the honor to report my receipt of your Despatch N°36 of March 27th. inst. acknoledging my communication of the 17th inst reporting the exportation of cigars from Mexico via Havana to the United States as Havana cigars. and directing me to investigate the subject and report the results.

I am Sir.

Your obedient servant

Adam Badeau

Consul General.

Copy to auditor
1st Abs. Pg.
W Hilton

Subject

Letter making enquiry in Auditor's

DEPARTMENT OF ST.
APR
10
1888
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No 96 Consulate General of the United States.

Havana April 4th 1883.

Adam Badeau

to the Department of State.

Subject: Salary as Consul General at London while waiting conveyance from post ~~and~~ making transit from London to New York.

Abstract of Contents

Inclosures.

No. 96 Consulate General of the United States.

Havana April 4th 1883.

To the Honorable

John Davis.

Assistant Secretary of State

Washington.

D. C.

Sir.

In reply to your Despatch
N°. 35 of date March 27th addressed
to me as late Consul General
of the United States at London,
now at Havana, I have the
honor to state that I closed
my duties as Consul General
at London on the 16th September
1881, and was unable to obtain
passage on any steamer
sailing for the United States
until September 25th; but
after that date having
been so long delayed, I
remained on England

for the further period
until Oct. 5th. for my
own convenience. I there-
fore charged the Government
only for the time for
which I was kept waiting
by lack of steamer room at
that season of the year:
but did not charge for the
subsequent period, during
which I remained in
England for my own
convenience. I started
on the 5th. and arrived
in New York on the 15th
October. of same year.

I am Sir
Your obedient servant
Adam Badeau
Consul General.

TELEGRAM RECEIVED.

Mr Chilton

No. 1 Gov

FROM Havana

April 5 1883

Davis.

State Department.

Washington,

Authorities have today ordered all logs land coming from United States to Cuba, to be examined before landing.

Badeau.

Received _____ 188 , , M

Operator.

Inclosures.

DEPARTMENT OF STATE
APR
10
1888
RECEIVED

W. Hilton

No. 9.Y. Consulate General of the United States.

Havana April 5th. 1883.

Adam Badeau.

to the Department of State.

Subject: Arrival and departure of the U.S.S. Tallapoosa from this port.

Abstract of Contents

Inclosures.

No. 97. Consulate General of the United States.

Havana April 5th. 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

I have the honor to report that the U. S. S. Tallapoosa arrived in this port from Cape San Antonio on the 28th. March ult. I presented the commanding officer to the Governor General, who informed me in reply to my request made in conformity with your instructions in Despatch No. 32 of March 13th., that he had promptly given orders to allow her all

facilities in case she found it necessary to enter any Cuban port in order to carry out the object of her cruise. This object, however, was accomplished without the necessity of availing herself of the courtesy. The Tallapoosa sailed from this port for Key West on the 3rd. of April inst.

I am Sir.

Your obedient servant

Adam Badeau

Consul General

No to be Acted on at Madrid
DEPARTMENT OF STATE
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No 98. Consulate General of the United States.

Havana April 5th. 1883.

N.Y. Produce Exchange
Rec'd. Apl 16/83.

Adam Badeau.

to the Department of State.

Subject: One Inclosure: Order
Governor General April 1st. 1883.

Abstract of Contents

1. Inclosures.

No. 98. Consulate General of the United States.

Havana April 5th. 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

I have the honor to
forward herewith an
order of the Governor
General, with translation,
dated April 1st. but
published this day,
relative to the Inspection
of Hog's lard coming
from the United States

I am Sir.

Your obedient servant

Edwin Bedeau

Consul General

Inclosure N° 1.
With Despatch N° 98.
Havana April 5th. 1883.

Copy.

Gobierno General de la Isla de Cuba.

Secretaría

Sanidad

Con esta fecha se dice á los Sres. Gobernadores Civiles de la Isla. lo siguiente:

"En vista de lo manifestado á este Centro por el Cónsul de España en Nueva York, acerca de las malas condiciones higiénicas de cierta clase de manteca de cerdo que con diferentes marcas se importa en esta Isla, procedente de los Estados Unidos de América, y en vista así mismo del

Gubernation

del resultado que ha
ofrecido el análisis he-
cho por el Subdelegado
de Farmacia de esta
Capital en la muestra
que de dicha grasa re-
mite aquel funcionario
consular. El Excmo Sor
Gobernador General, por
decreto de esta fecha
se ha servido disponer
que la manteca de
cerdo de la indicada
procedencia y de toda
clase de marcas que
arribe á los puertos de
la Isla, siempre que
venga en terceroles ó en
cualquiera otros envases
de madera, sea reconoci-
da previamente por
los médicos de la visita
de naves ántes de pro-
cederse á su despacho
por las Aduanas respec-
tivas

tivas, debiendo V.S. dis-
poner lo conveniente
para que este servicio se
practique con la brevedad,
exactitud y escrupulosi-
dad que demanda to-
do cuanto se relaciona
con la salud pública.
Al propio tiempo ha
dispuesto Su E. que al
publicarse en el Boletin
Oficial de esa provincia
lo anteriormente dispues-
to recomiende V... á las
autoridades locales y Jun-
tas de Sanidad. la mas
exquisita vigilancia de
los establecimientos donde
se expende el citado ar-
tículo, á fin de evitar
la venta del mismo
en malas condiciones de
consumo para la alimen-
tacion de las familias.
Y de orden de S. E
se.

se publica en la Gaceta Oficial para general conocimiento

Habana 1 de Abril de 1883

(signed) M. Diaz de la Quintana

Translation

Government General of the Island of Cuba.

Bureau

Health.

On this date is communicated to the Civil Governors of this Island the following:

In view of the statement made to this Central Government by the Spanish Consul at New York in regard to the bad hygienic condition of a certain class of hog's lard which with different marks is imported into this Island from the

the United States of America and in view also of the results of the analyses made by the subdelegate of Pharmacy of this Capital of the sample of said grease forwarded by the said Consular officer, the Governor General by decree of this date has been pleased to order that the hog's lard of said origin, of every class of mark, arriving at the ports of this Island, whether coming in tierces or any other wooden vessels whatsoever, shall be inspected by the boarding physicians before being conveyed to the respective Custom Houses; and you are directed to order what is necessary so that this duty may

be

be performed with the celerity, exactness and care which every thing relative to the public health demands.

At the same time, His Excellency has ordered that upon the publication in the Oficial Bulletin of this Province, of the aforesaid result you recommend to the local authorities and board of Health the greatest watchfulness over the stablishments from which the above mentioned article is issued, in order to prevent the sale of the same in improper condition for consumption for the food of families.

This order of His Excellency is published in the Official Gazette for

for general information.

Havana 1st of April 1883.

(signed) M. Diaz de la Quintana.

DEPARTMENT OF STATE
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Mr Chilton

This seems to be a
law question for Mr Olcott
Secretary

No 99. Consulate General of the United States.

Havana April 6th 1883

Adam Badeau

to the Department of State.

Subject.

Bills of Health

Abstract of Contents

Request of Consul General for instructions as to his course after June 2nd.

Inclosures.

No. 99. Consulate General of the United States.

Havana April 6th 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

Referring to My Despatch N° 86 of 14th March ult. relative to the expiration on the 2nd of June next of the provisions on the Act "To Prevent the introduction of Contagious or Infectious Diseases into the United States," I have the honor to request instructions as to the course to be pursued at this Consulate General in regard to Bills of Health after the above mentioned date. As the Department

is aware, these documents
are now made out under
the Regulations of the National
Board of Health, and
as that Body will cease
to exist on the 2nd of June
next, I will thank
the Department to inform
me what action should
be taken in this matter
instead of that prescribed
by Consular Regulations
Par. 355 to 364. inclusive

I am Sir: very respectfully
Your obedient servant
Adam Badeau
Consul General

Ans'd by Judge O'Le's draft. Apl. 28/83

Jo Mr Hall's Medal. Apl 27. 1883.

DEPARTMENT OF STATE
APR 14 1883
RECEIVED

Ans'd by letter with instruction to Read this & some Please send dispatch & Badeau draft to Consular Bureau

No 100. Consulate General of the United States.

Havana April 7th. 1883.

Adam Badeau.

to the Department of State.

Subject: Extraordinary War Taxes claimed of Messrs Lawton

Abstract of Contents

Statement of special hardship in their case.

Inclosures.

No. 100. Consulate General of the United States.

Havana April 7th. 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

I have the honor to report my receipt of your Despatch No. 31. of March 10th. ult. in relation to the demand made on the Messrs Lawton Brothers of this city, for arrearages of Extraordinary War Taxes, and enclosing a copy of a report on the general subject, made by the Law Officer of the Department in February 1880, and am happy to learn that the views entertained by me are identical with those

of the Government, and that my action on the matter is approved.

In conformity with your suggestions to furnish the Department with additional details in the case of the Messrs Lawton Brothers, with a view to a special presentation of its hardships to the Government at Madrid, I have the honor to submit the following remarks:

A/ In the first place the Messrs Lawton request me to state confidentially to the Department that if they should make, for presentation to the Government at Madrid, a detailed declaration of their business and capital, or of the taxes which according to Spanish ruling could

Omit as to No. 1 from A to B inclusive

be claimed of them. they are apprehensive that information might be given to the Authorities here which would become the basis or pretext for still larger demands; and while they have no reason to withhold from their own Government a knowledge of their affairs, they would be loath to furnish it to a foreign administration which they have never yet found slow to advance its own interests at the expense of theirs.

13

There are, however, they think, peculiar features in their case constituting hardships worthy of special presentation. The Extraordinary War Taxes demanded of foreigners in 1872, 3, 4, 5 and 6, after vigorous representations and protests on the part

of Consuls at Havana
and Ministers at Madrid,
were finally consolidated
in 1877, and in lieu of
them all, a tax of 22½ per
cent was substituted, which
was expressly styled an
Ordinary Tax. So that the
objections made to an
Extraordinary one should
be evaded. This tax of
22½ per cent for foreigners
went into effect July 1st. 1877,
and has since, as an Ordinary
tax, been regularly paid
by the Mess.rs Lawton Brothers.

The demand which
is the subject of the present
correspondence is for the
payment of the 30 per cent
tax decreed March 10th 1876;
and the amount claimed is
$.1125,00, for the second half
of the fiscal year of 1876-7.
It is therefore a return to

the claim made prior
to the consolidation in 1877.
The Messrs Lawton, having
regularly paid their
Consolidated and so-called
Ordinary tax of 22½ per
cent ever since the decree
of 1877, consider it a special
hardship that they should
now be called upon to
pay an Extraordinary
tax six years old; in
lieu of which the
consolidated tax was
expressly substituted.

They are not aware that
this tax has been levied upon
other foreigners, and know
of no reason why the
demand should be pressed
upon themselves specially.

The delay in urging,
they think, indicates a
doubt as to its abstract
justice, and the fact

that the authorities have been able or willing, or have found sufficient cause, to refrain from pressing it for six years, suggests that no imperative reasons can have arisen to compel its presentation now.-

The manner in which these taxes are assessed is also an especial grievance to those subjected to them. The merchants are divided into guilds by the Government, and a certain sum is assessed upon each guild; the merchants who compose it being compelled to make up the sum according to their own agreements or arrangements. The sum thus levied is based upon an imagined profit which the Government thinks the

merchants ought to make,
and not upon actual and
ascertained results, as is
the case in other countries
when an income tax is
levied. So that merchants
are in the first place informed
what the amount of their
profits is, or ought to be,
and then forced to pay a
proportion of those supposed
profits, according to the vote
or decision of their rivals.

The few Americans not
yet driven from Cuba
by the taxes, exactions, and
fines incessantly inflicted,
are also special sufferers,
as they are compelled to
compete with German
traders, who, as the
Department is aware,
have been exempted
from many of the taxes
to which our countrymen

are subjected.

All of which considerations the Messrs Lawton request me to submit, in deference to the suggestion of the Department, and in the hope that through its efforts, they may be relieved from the renewed imposition from which, after the consolidation, they trusted they were free; and which, if now insisted on, they fear may prove the precursor of a long series of similar claims for arrearages supposed to have been consolidated.

Those gentlemen have also requested me to suggest that the matter has already been referred to Madrid by the Governor General of this Island, and to enquire whether, in view of this

fact, the Department would be willing to notify the United States Representative there, so that no action on the case should be arrived at before the action of our own Government is determined.-

I am sir very respectfully
Your obedient servant
Adam Badeau
Consul General

Copy to Pres

DEPARTMENT OF STATE
APR
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McClelton

No 101. Consulate General of the United States.

Havana April 7th 1883.

Adam Badeau

to the Department of State.

Subject: Examination of Dogs
Last from the United States

Abstract of Contents

Report of Telegram on above subject.

Inclosures.

To Madrid 8 Inst

No. 101 Consulate General of the United States.

Havana April 7th. 1883.

To the Honorable

John Davis.

Assistant Secretary of State

Washington.

D. C.

Sir.

I have the honor to state that on the 5th, April inst I telegraphed as follows to the Department of State.:

Tel

Havana April 5th. 1883

Davis

State Department

Washington

Authorities have to-day ordered all hogs lard coming from United States to Cuba to be examined before landing

Badeau

I have the honor to be Sir
Your most obedient servant.
Adam Badeau
Consul General

√ To Madrid 27 April 83

DEPARTMENT OF STATE
APR
17
1883
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Wing
+
Mr Chilton

No 102 Consulate General of the United States.

Havana April 10th 1883

Adam Badeau

to the Department of State.

Subject:

Fumigation of American vessels.

Abstract of Contents

Inclosures.

No. 102 Consulate General of the United States.

Havana April 10th 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

Referring to your Despatch
N° 28 of March 7th ultimo, and
my N° 56 of the 12th February and
N° 87 of the 20th of March 1883,
in regard to the Enforced Fumigation
of vessels bound from Cuba to ports
of the United States, I have the
honor to state that after repeated
written and verbal applications
to the Goverment General, I have
to day been informed in these
words: "The subject of the fumigation
enforced on Americans vessels
especially at Havana and Matanzas
has been refered to the Superior
Board

Board of Health which has not yet reported."

As my first letter on the subject was addressed to the Governor General more than two months ago, and it is nearly another month since by direction of the Department I made my second inquiries, I can not avoid the supposition that it is the intention of the subordinate authorities to procrastinate until the advanced state of the season will furnish them with a pretext for saying that a fumigation is necessary.

I replied to the Governor General that "My Government would receive with regret the information contained in his communication that the enforced fumigation of American vessels was still under the consideration of the Superior Board of Health:" and added: "I have been repeatedly directed

directed to express the interest of the State Department in the matter and its desire for an authoritative answer to my protest; and I beg now to state that the United States Government is particularly anxious to be made aware at an early day of the position assumed by the highest Cuban authorities in this regard.

I have the honor to be Sir
Your obedient servant
Adam Badeau
Consul General

DEPARTMENT OF STATE
APR
17
1883
RECEIVED

Hamilton

No 103 Consulate General of the United States.

Havana April 10th 1883.

Adam Badeau

to the Department of State.

Subject:

Condonation of fine on the Brig Woodbury

Abstract of Contents

Inclosures.

No. 103 Consulate General of the United States.

Havana April 10th 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

Referring to my Despatch N° 13 of 1st December and that of the Department in reply, N° 699, of December 20th 1882, I have the honor to ~~report~~ that after repeated applications both written and verbal, I have to day been informed by the Governor General with regard to the condonation of the fine imposed on the American brig 'Woodbury', that as long ago as September last, it was settled by the Direction General of the Treasury, and the order given

given for the payment; but that this order had not gone into effect because the persons interested had not presented themselves to demand payment.

In regard to which I have simply to say that in spite of my repeated inquiries this is the first information on the subject I have been able to obtain since I assumed my present functions in November last.

I have written to the Consul at Cienfuegos to notify the parties interested.

I have the honor to be Sir
Your obedient servant
Adam Badeau
Consul General

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RECEIVED

Mr. Clifton

No. 104 Consulate General of the United States.

Havana April 10th 1883.

Adam Badeau

to the Department of State.

Subject: Acknowledgement of receipt of circulars of State Department of Jan. 10th, ~~Feb 2nd~~ and Feb 24th 1883: also a new Tariff of Consular fees.

Abstract of Contents

Inclosures.

No 1014 Consulate General of the United States.

Havana April 10th 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

I have the honor to report my receipt of your circulars of January 10th and February 2nd 1883, the latter enclosing two others of June 20th, 1881 and March 20th 1882, all in relation to invoices. The instructions contained in these several circulars, are strictly complied with at this office.

I have also to acknowledge the receipt of your circular of February 2nd 1883, with instructions relative to the numbering of Invoices: these also are invariably

enforced here, a machine for numbering having recently been purchased, which has been found to work well and absolutly prevents irregular numbering.

I have also to acknowledge receipt of three copies of a tariff of Consular Fees, dated February 1st. 1883, two of which have been forwarded to the Consular Agents at Gibara and Nuevitas.

I am Sir: very respectfully
Your obedient servant
Adam Badeau
Consul General

To headd's
3 May

DEPARTMENT OF STATE
APR
17
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RECEIVED

No 105 Consulate General of the United States.

Approved May 18/83.

Havana April 10th 1883.

Adam Badeau

to the Department of State.

Subject: Refusal of Governor General to furnish copies of evidence ~~———~~ on which his order of April 1st. directing the Inspection of American Hog's Abstract of Contents lard was based.

Inclosures.

No. 105 Consulate General of the United States.

Havana April 10th 1888.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

Referring to my Despatches Nos 98 and 101 of April 5th and 7th respectively, I have the honor to state that immidiately upon the appearance of the order relative to the Inspection of American Hogs lard, of which a copy was forwarded with my No 98. I addressed a communication to the Governor General requesting a copy of the communication of the Spanish Consul at New York and of the report of the Sub-Delegate of Pharmacy of this

city

city, or any other information on which the said order was based; but I received from His Excellency a reply declining to accede to my request, on the ground that the documents in question could be forwarded only to the Government of the King: "No puedo facilitarlos mas que al Gobierno de S. M. el Rey."

I have the honor to be Sir
Your obedient servant
Adam Badeau
Consul General

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To Madrid
18 Apr 83

Inving
to Mr Clitton

No. 106 Consulate General of the United States.

Havana April 11th 1883

Adam Badeau

to the Department of State.

Subject: Fine on American brig "C. C. Robinson."

Abstract of Contents

2 Inclosures.

No. 106 Consulate General of the United States.

Havana April 11th 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

I have the honor to report that on the 7th of February last, I addressed the Governor General of this Island, laying before him a copy of a communication from the Consul Agent at Cardenas, together with certain original inclosures, from which it appeared that the master of the American brig "C. C. Robinson" had incurred a fine of $500, solely because his manifest had not received the certificate of the Spanish Consul at

Pernambuco

Pernambuco, the port from
which he cleared: the said
Consul having positively
refused his certificate when
asked for it by the master,
on the ground that is was
unnecessary. These facts were
clearly stated in the documents
submitted to the Governor General
and have never been denied.
I therefore reminded His
Excellency that he had at
my request the week before
decided a precisely parallel
case by remitting the fine,
and requested similar action
in the present instance.

A few days afterwards
I laid before him further
documents attesting the facts,
and also a statement of
further fines on the same
vessel imposed for trivial
causes; one of which was
for the erasure of the word

New York

"New York" on the printed manifest and the substitution of "Pernambuco," the actual point of clearance, and the others equally insignificant. Altogether the fines were increased to $900, and the Master was compelled to give security for their payment. The Consul at Cardenas writing to me that the Collector of Customs here had expressly informed him he had increased the fines "because their exorbitance would be more calculated to insure their entire remission." I reported this language to the Governor General, who after a delay of nearly two weeks informed me that he had given similar orders in this case to those issued in the parallel one immediately preceding. Further delays, however, occurred, and the Governor General repeated to me the assurance that he had given the same orders in this case as in the preceding one.

one. No notice, however, was given of the remission, and no more definite answer to any renewed inquiries, verbal and written; until finally on the 29th of March, I again addressed His Excellency on the subject.

On the 4th of April he replied: "The case of the brig "C. C. Robinson", which was under consideration at the Treasury, has been received this day, and that office being of opinion that the reasons expressed by you (the Consul General) are tenable, (atendibles) an aplication for the condonation of the fine may be made to the Minister of Ultramar and will be forwarded by the next mail."

To this I replied: "I have to express my surprise and regret that after a delay of so many weeks in a matter in which it has always been admitted that only Spanish Officials

were at fault, it should now be considered necessary to appeal to the Minister of Ultramar to condone a fine imposed without authority or cause on an American citizen for the offence of the Spanish Consul at Pernambuco.

"I have to protest most earnestly against this further delay, and to suggest that reparation is due the injured party for the annoyance and wrong inflicted on himself and his business."

I have the honor to invite especial attention to this case, and the disposition made of it. There has never been any dispute of the statement that the original incorrectness of the manifest was due solely to the refusal of the Spanish Consul to certify it when solicited by the

American Master. Yet this
Master, coming to a Cuban
port, is fined for the incorrectness
which he has done his best to
avoid; and now, after more than
two months delay, the matter
is referred to Madrid, where
it is certain to linger for months
more. Even then the half alone
will be remitted; for the Collector,
who nearly doubled the fine
for avowedly untenable reasons,
will, according to Spanish rules,
retain one half, which the
Master must lose, in the
first place because of the
fault of the Spanish Consul,
and secondly, because of his own
efforts to comply exactly with
the Spanish law.-

I have also the
honor to forward copies of
a communication to me
on the subject from the
Commercial Agent at Car-
denas

denas with my reply.

In this connexion I have the honor to refer to my Despatch N°93 of March 29th ultimo on the subject of the fines imposed on American vessels in this Island, the present case being one of those referred to in said Despatch, and having since ~~the~~ that was written arrived at its present development

I am Sir very respectfully
Your obedient servant

William Bateau
Consul General

Inclosure N° 1
With Despatch N° 106
Letter from Commercial Agent
at Cardenas to Consul General

U. S. Commercial Agency
Cardenas April 9th. 1883

Adam Badeau Esq
U. S. Consul General
Havana

Sir:

Referring to your letter of April 7th. received this day, I beg to call your attention to the facts of the case of the brig "C. C. Robinson", which have heretofore been fully submitted to you.-

In my letter to you dated February 5th. 1883, (inclosing affidavit of John E Cofs Master of the "C C Robinson", and of Samuel Miller, a passenger from Pernambuco to Cardenas.) you will find a statement

of

of the case by me, and statements of all particulars at Pernambuco and at Cardenas, in the form of Affidavits from the master of said vessel, and from Samuel Miller, a passenger in her.

In my letter to you of February 6th. you received a supplemental explanatory and corroborative affidavit of John E Rofs.

In my letter of February 9th to you, I requested from you an acknowledgement of receipt of the affidavits transmitted to you, and I inform you that the fines against the "C. C Robinson" have been increased at this Custom House from $500 to $900, on the avowed pretence of the Collector of this Port that by imposing the maximum of fines for the most frivolous

pretences

pretences was a certain
way to have them all removed.

All this, it seems to me,
presents the case to you as
strongly as it can be done,
and places in your hands
the materials for any requisite
application to the superior powers
in Havana, or to their superiors
if farther proceedings pass
above through them.

Your letter to me dated
February 10th 1883, seems to
render certain a speedy
and satisfactory settlement
of the matter. The following
is quoted from that letter.

"In reply to your com-
munication relative to the
fine imposed on the brig
"E & Robinson". I have to
say that I have laid the
matter before the Governor
General, and as he has within
a few days decided a similar
case

case favorably to the vessel, I have no doubt of his action in this matter being what you desire. I am &c. &c. (signed) Adam Badeau"
The following is a copy of your telegram to me of March 8th. 1883 "Consul Americano - Se han dado órdenes para condonar multa impuesta al "C.C. Robinson" (signed) Badeau"

Your letter of same date as telegram, (March 8th.) seems to place the matter beyond a per adventure, and was so conclusive to my mind that I immediately wrote to the owner of the vessel stating I had assurances from you of the removal of said fines. The following extract is from your letter to me

"After repeated communications addressed to the

the Governor General. I learned from him verbally this morning that as soon as the case of the "C. C. Robinson" was brought to his attention he had issued an order that the same action be taken as in the case of the 'Auburndale,' where also the master was fined for the fault of a Spanish Consul. The fine was in the latter instance promptly remitted. The delay has been with the Treasury officials, and the Captain General gave orders in my presence to carry out his previous decision. In consequence of this I have telegraphed you this day as on the following page. I am Sir &c. &c. (signed) Adam Badeau, Consul General" Then followed a copy of the telegram already quoted.

After these communications

I was

I was much surprised with the contents of your letter of April 7th 1883. which I venture to reproduce:

"Referring to my correspondence on the subject of the fines imposed on the brig "C C Robinson" I have now to inform you that I have this day been notified by the Governor General that an application for the condonation of the same can be made, and will be forwarded to the Minister of Ultramar by the next mail

You will therefore be pleased to take the requisite steps and transmit the application to this Consulate General. I am Sir &c (signed) Adam Badeau Consul General"

In thus recalling the facts of the case to your memory

memory, and in grouping the correspondance which has passed between us on the subject, I desire to convince you that I had every reason to suppose that "an application for the condonation" had already been made by you as far back as February 10th 1883, and been followed by "the condonation" as far back as March 8th 1883. It appears from your letter of the 7th inst that we have both been mistaken in the matter.

I will cheerfully and promptly co-operate in doing any thing and every thing in my power to have these unjust and extortionate fines removed, but I am compelled to confess that I grope in the dark when I seek to be guided by the following

language

language in your last letter:
"You will therefore be pleased
to take the requisite steps
and transmit the application
to this Consulate General."

I respectfully ask for
information as to what
the character of the ap-
plication should be, and
by and to whom made,
and also what may be
considered by you, or by
the Cuban Superior Authority
as the requisite steps.

Whatever is further
to be done in this matter
should be done immediately,
as the Captain of the "C C
Robinson" who is now in
this port, will be off again
on another voyage within
the next ten days.

I am Sir
Your Obt. servant
(signed) Joseph A Kemp. U.S. Commercial
agent
at Cardenas

Inclosure N° 2
With Despatch N° 106.
Letter from Consul General
to Commercial Agent at
Cardenas.-

April 10th. 1883

Joseph A. Iñiguez
U. S. Commercial Agent,
Cardenas.

Sir:

In reply to your communication of April 9th inst. relative to the "C & Robinson" I have to say that my previous letters and telegrams were such as entirely to warrant the expectations entertained and expressed by you, and your own surprise and regret could not have been greater than mine at the last letter I received from the Governor General.

I have reported the facts

to the

to the Government at Washington, and meantime protested pere against the further delay, and stated that in my opinion the case is one that calls for reparation for the wrong and annoyance inflicted on the sufferers.

The form intended by the Cuban Authorities, is, I suppose, a memorial from the master of the "C C Robinson" to the Minister of Ultramar, to be forwarded through the Agency at Cardenas and the Consulate-General at Havana to the Governor General, and by him transmitted to the Government at Madrid

I am Sir

Your obedient servant

(Signed) et dam Badeau

Consul General

Desp. Children

RTMENT OF ST
APR
20
1883
RECEIVED

No 107 Consulate General of the United States.

Havana April 13th 1883.

Adam Badeau

to the Department of State.

Subject: Acknowledgement of receipt of circulars February 13th, 19th, 27th and of March ~~6th~~ 19th, 1883: also receipt of the appendix dated March 22nd to circular of January 9th 1883

Abstract of Contents

Inclosures.

No. 107 Consulate General of the United States.

Havana April 13th 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

I have the honor to acknowledge the receipt this day of your circulars of February 13th, 19th, 27th, and March 19th, 1883, in relation, the first and second named to the relief of American Seamen, the third, to the consular receipts given to ship-masters, and the fourth, to the charge for fee N° 47, Schedule of Fees, Paragraph 496, Regulations of 1881; all of which will have due attention. I have also to acknowledge the receipt of

the

the appendix, dated March 22nd inst to circular of January 9th. 1883, on the subject of Office Rent.

I am Sir: very respectfully,
Your obedient servant,
Adam Duncan
Consul General.

RTMENT OF S
APR
24
1888
RECEIVED

W Clelton

No. 108 Consulate General of the United States.

Havana April 17th 1883

Adam Badeau

to the Department of State.

Subject: Notification of receipt of certificates of appointment of Vice Commercial ~~Agents~~ Agents at Cardenas and Sn Juan de los Remedios.

Abstract of Contents.

Inclosures.

No. 108 Consulate General of the United States.

Havana April 17th 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

I have the honor to report that I have been notified by the Chargé d'Affaires ad interim at Madrid that the necessary orders have been given for the recognition of Messrs Joseph H. Washington and José G. Fuentes as Vice Commercial Agents at Cárdenas and San Juan de los Remedios

respectively; and have also received the certificates of appointment of those offices which I have transmitted to them at their respective posts of duty.

I am Sir: very respectfully

Your obedient servant

John Badeau

Consul General

Ref. Clifton

DEPARTMENT OF STATE
APR
24
1883
RECEIVED

No. 109 Consulate General of the United States.

Havana April 17th 1883

Adam Badeau

to the Department of State.

Subject: Acknowledging receipt of circular dated March 26th 1883.

Abstract of Contents.

Inclosures.

No. 109 Consulate General of the United States.

Havana April 17th 1883

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

I have the honor to acknowledge the receipt of your circular of March 26th. 1883 with reference to the requirement of a debt and credit account for the identification of shooks.

I have the honor to be

Your obedient servant

Adam Badeau

Consul General

Sec. Childs

DEPARTMENT OF ST
APR
24
1883
RECEIVED

No. 110 Consulate General of the United States.

Havana April 17th 1883

Adam Badeau

to the Department of State.

Subject: Acknowledging receipt of Despatch N° 38 of April 10th. 1883

Abstract of Contents.

Inclosures.

No. 110 Consulate General of the United-States.

Havana April 17th 1883

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

I have the honor to report my receipt of your Despatch N° 38 of April 10th inst. acknowledging my N°s 86 to 94.

I am Sir: very respectfully

Your obedient servant

Adam Badeau

Consul General

Mr. Chilton

RTMENT OF S
APR
24
1883
RECEIVED

No. 111 Consulate General of the United States.

Havana April 17th 1883

Adam Badeau

to the Department of State.

Subject: Acknowledging receipt of Despatch N° 37 of April 9th. 1883.

Abstract of Contents.

Inclosures.

No. 111 Consulate General of the United States.

Havana April 17th 1883

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

I have to report the receipt of your Despatch N° 37 of April 9th inst. acknowledging my N° 93, relative to fines imposed on American vessels and trade in this Island, commending my course in the matter hitherto, and directing me to continue to keep the Department fully informed on the subject

I have

I have the honor to be Sir
Your obedient servant
Adam Badeau
Consul General

DEPARTMENT OF STATE
APR
24
1883
RECEIVED

Mr Seamen
Mr Chilton
+
Mr Scanlan

No. 112 Consulate General of the United States.

Havana April 19th 1883

Adam Badeau
to the Department of State.

Subject:

Trade in asphaltum

Abstract of Contents

Copied, May 28th, 1883

2 Inclosures.

No. 112 Consulate General of the United States.

Havana April 19th 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

In reply to the instructions of the Department calling for a report on the asphalt trade of this Island, I have the honor to state that before I assumed the duties of this office, the Vice Consul General then in charge, Mr. Ramon O Williams, had issued a circular letter to the Consular officers in Cuba calling for information on the following points:

"1st — The location of the

"asphaltum

" asphaltum mines or beds
" of this Island.
" 2nd — The manner of mining
" it.
" 3rd — The cost of production
" at shipping port.
" 4th — The annual yield.
" 5th — Names of ports of ship-
" ment and distance from
" the mines to port, stating
" facilities for transportation
" and cost of same.
" 6th — To what countries it is
" shipped and names of
" shippers.
" 7th — The average market
" value; and
" 8th — How many mines are
" now being worked."

To these inquiries the Consular Officers at Cardenas, Cienfuegos, Sagua la Grande, and San Juan de los Remedios made replies, which will be found appended

appended hereto in full.
The condition of the mines in
the district of Havana is
also fully described below.
The consular officers of the
remaining districts report
no asphaltum mines in
their jurisdiction).

The Chief Engineer of
Mines of this Island, Don
Pedro Saltarain has also been
good enough to furnish the
Consulate General with a
detailed and elaborate report,
and as there is no higher nor
better authority on the subject,
I submit a translation entire
of this valuable document.
It may be found to contain
some

some statements identical with those made by the Consular officers, but it seemed advisable to present their various views coming from different sources, for the better information of those interested. I believe that together they will afford all the knowledge now accessible in regard to the location of the mines or beds from which the asphalt is obtained, the manner of its production, its cost and importation, and the general condition of the trade.

I am Sir
Very respectfully

Your obedient servant

Dorn Bateman

Consul General

List of inclosure

1 Reports of Consular officers

2 Report of Don Pedro Saltarain, Chief Engineer of Mines of this Island

Inclosure N° 1
With Despatch N° 112
Letter from the United
States Commercial Agent at
Cardenas to Mr. R. O Williams
Vice-Consul General

U. S. Commercial Agency
Cardenas Nov 2nd. 1882

R. O Williams Esq
U. S. Vice-Consul General
Habana

Dear Sir:

Your communication
of the 24th ult. has been received
and I now have the honor
to reply to your questions
regarding asphaltum.
1st.— The mines that are now
being worked, are located in
the bay of Cardenas in
from forty to sixty feet of
water. There are others in
the Bay, but the cost of getting
out the asphaltum is so
great

great on account of depth of water that they have been abandoned. There are also others in the Bay of such poor quality that they have never been worked since they were discovered. As far as I can learn there are only two mines on land in this Jurisdiction, one of very good quality and the other worthless: neither of them are worked at present.

2nd — It is broken from the bed with long iron bars, and then hoisted to the surface with drags made of iron.

3rd — Between $25 and $30 Spanish gold per ton according to quality.

4th — About (200) two hundred tons.

5th — Cardenas - About six and a half to seven miles distant from the city. In

lighters

lighters, and generally speaking in the same lighter that has worked the drag. Cost of transportation included in the cost of production.

6th — To the United States, principally New York, and some few small lots have been shipped to England and Germany. Mr. Juan P de Tornintegny is the only shipper at this port.

7th — It has comparatively speaking no market value here. The entire production is exported

8th — Only two mines in the Bay are being worked at present.

I have delayed a few days in replying to your letter, as Mr. Torrintegny, the only miner of asphaltum in this District, was away; and he was the only one who can give any correct information

information on the subject.-
I have the honor to be Sir
Very respectfully
Your obedient servant
(signed) Jo: H Washington
Vice Consular Agent

Letter from the United States Consul at Cienfuegos to Consul General.

United States Consulate
Cienfuegos Dec 8th. 1882

Hon: Adam Badeau
U. S. Consul General
Havana

Sir:

Referring to the letter of the Hon: Vice Consul General, dated Oct 24th. 1882 and to my preliminary answer thereto dated Nov. 28th. I beg to state that the following report regarding the asphaltum beds of this consular

consular District may be relied upon as substantially correct.

There are bituminous deposits about one mile east of Santa Clara - one well four or five feet deep of an oily substance and inflamable. Five or six years ago arrangements were made to work this locality for petroleum, but the project was abandoned.

Another and larger deposit is about fifteen miles from Sta Clara, in the direction of Sagua la Grande, near "El Indio" plantation.

Several other deposits are in Camajuaní about eighteen miles from Sta Clara, in the direction of San Juan de los Remedios.

All of the foregoing are more or less of a liquid character.

There

There is a deposit of a solid character located about ten miles from Sta Clara, towards Remedios. The locality is called "Sabanas Nuevas." This deposit belongs to the Gas works at Santa Clara. It has never been worked for shipping purposes, but the asphaltum has been excavated in a rude way and used at the Gas shop in Santa Clara; the excavation being eight yards deep and twenty by five in length and width. The whole sub-soil at this place is asphaltum of the best quality, and is found in three feet of the surface of the ground

It is believed from signs noticed in the neighborhood that another large deposit of asphaltum might be found in about three miles from Sabanas Nuevas in the direction of Santa

of Santa Clara.

Another bed of solid asphaltum is noticed three miles from Ranchuelo, and in twelve yards of the Sagua River. It belongs to Mr. Diego G Abreu, who resides at Ranchuelo. Little or nothing is known of it beyond the fact of its existence.

I fear I have somewhat over stepped my instructions by not confining this report to the limits of my consular district, but considering that I have specified the several localities, and considering further the difficulty in obtaining informations on such subjects in Cuba, I have taken the liberty of reporting all the information I possess.

Replying to the questions as propounded to me by number

number, I beg to say:
1st — The locations are stated as above.
2nd — None of the beds have been worked except in a rude and limited manner.
3rd. — The cost of production with proper machinery is not known.
4th — I should estimate that the annual yield would be considerable if properly worked.
5th — Transportacion in Cuba either by road or rail road is not so good usually as in the United States. Santa Clara has an outlet by rail road to both Cienfuegos and Sagua, and the several localities named are, as shown above, only short distances from one or the other of these roads.
6th — None has ever been shipped abroad that I can hear of.
7th — The products of these beds have never been on

the market

the market.

8th m Stone of the beds or mines referred to are being worked, at least to any extent worthy of note.

Very respect-fully

Your obedient servant

signed Wm P. Pierce

U. S. Consul.

Letter from the United State Commercial Agent at Sagua la Grande. to Consul General

---

Sagua la Grande April 10th. 1883

Hon: Adam Badeau

U. S. Consul General

Havana

Sir:

I beg

I beg to acknowledge receipt of your telegram of last night, asking if I had answered regarding the inquiry of the 17th October, in relation to asphaltum mines in this Jurisdiction; this matter I have no knowledge of, as it was received by Mr. Martinez, about a month before my return from the United States, but as the subject is one that has been talked of a good deal I am able to supply the following particulars: There are two undeveloped asphaltum mines in this jurisdiction situated on the sugar plantation of San Antonio, owned by a man named

named Flaqué, located about
30 miles from the port; the
rail road running through
the place, the cost of trans-
portation to the port would
be about $5.00 pkhd; as they
are undeveloped I am unable
to give the manner of work-
ing, the cost of the production,
the possible yield or the market
value. As far as I have been
able to ascertain these are
the only known mines or
deposits in this department

I am Sir

Very respectfully

Your obedient servant

(signed) Clarence C. Ford

U. S. Comm. Agent.

Letter from the Vice Commercial Agent at Caibarien to the Vice Consul General

---

Caibarien Nov 21st. 1883

Ramon O Williams Esq

Vice Consul General of the U. S.

Havana

Dear Sir:

My friend Mr. José Martinez is here and has given me the following information in regard to the asphaltum mines.-

1st — That in Jatibonico there are four asphaltum mines located on both sides of the river Jatibonico in the jurisdictions of Puerto Principe (Moron) and

and Sto Espiritu; but they are not known in either province because the little that has been extracted from them has been exported through Caibarien. They are close to the jurisdiction of Remedios, toward Mayajigua.

On one side of the river there is a bed of asphaltum in the jurisdiction of Moron, and another in the same river, and toward the other side of the river, in the jurisdiction of Sto Espiritu, there are two others: these have never been worked, and have indeed only lately been opened. One of the beds, the one in Moron, is liquid, and can be easily ignited. It is known by the name of "Mal Hombre."

The one that offers most advantages from its abundance and quality is the one in the river: it has a beautiful color.

The one

The one in Morion is situated on the estate of Encarnacion Leyba; the one in the river, on the property of Mrs Rita Marin; and of the two in Sto Espiritu, one is on the estate of Mr. A. Legon, and the other on that of Mr. José Oropesa.

Mr. Francisco de la Calzada had these mines denounced to the Government and obtained possession of them, but in order to avoid arguments with the owners of the ground he paid them $50. a year for each caballería (33⅓ acres) where asphaltum was found.

The said Calzada, died some three years ago and ever since the mines are almost uncared for, and even he had very little profit out of them.

He brought a pump that

was

was never set to work, being
part of it in Mayajigua and
the other part in Jatibonico.
2nd- The asphaltum was
taken out by means of picks
and crowbars, for it was really
never mined being only worked
on the surface. From the mines
the asphaltum was conveyed
on mules' backs as far as the
road to Mayajigua, or rather
to the hill of "Los Angeles"
(3 miles); and from there in
carts to Rosa María (6 miles),
where there is a railroad
named "Jagua and El Estero
Real" (4½ miles).
3rd- The cost of the asphaltum
from the mines to "El Estero
Real" is $12. per ton, but it
could be done for $10.- if there
was any body who would
work up the mines.

From "El Estero Real" to
Caibarien or Cayo Frances
the

the conveyance is done in lighters at $1.00. It is easier to go to Cayo Frances, as the winds are more favorable

The cost of working the mines is not known, neither the yearly yied, because as already stated the work done has been merely a trial.

5th.— From the mines to El Estero Real on the coast it is 13½ miles, and from there to Cayo Frances or Caibarien 15 or 16 miles.-

6th — The little asphaltum that was taken out by Calzada was sent to the United States, where it obtained a prize at the Exposition at Phibadelphia.

7th — The market value can not be told, as what the cost of what would be of extracting the mineral is nrt known.

This is the only asphaltum in the place.-

Mr. Mastins

Mr. Martinez tells me that if a sample of said asphaltum is desired he can procure you a bag of same.

He also tells me that from the foot of "Los Angeles" to the shore a rail road could be easily made, as the ground is level and not rocky; there is only one stream and the only work would be to remove the ground: there is plenty of wood for the work.

I am Sir

Your obedient servant

(signed) José G. Fuentes

Vice Commercial Agent

Inclosure N° 2
With Despatch N° 112

Report on Mines of Asphaltum and Bituminous oil in the Island of Cuba. Furnished the Consulate General of the United States at Havana by Don Pedro Salterain, Chief Engineer of Mines of the Island.

The Scientific Societes of Havana have, on different occasions, called attention to the abundance of bituminous mineral existing in this Island, and several reports, such as those of Don Joaquin J. Navarro, written in 1829, that of the Civil Engineer, C. Morsant in 1857, as well as certain articles published in the "Diario de la Marina", describe the various beds of this substance and set forth the advantage to be derived from its employment for fuel, or in the manufacture of gas

to be

to be used for lighting, or from its application in ship-building, and for other industrial purposes.

The serpentine formation, considered under this generic denomination, composed of serpentine with dikes of diorite of different varieties, is without doubt the most extensive and metalliferous in this Island, and either itself contains all the beds of bituminous mineral, or has been the cause of the contiguous layers, a fact I have had an opportunity to determine in the several explorations made by me up to the present time.

Whether this rock is eruptive, or whether it is the diorite alone, which in general occupies the central part, that metamorphoses the surrounding serpentine, it appears evident that the formation took place at the end of the Cretacean

cretaceaw period, at the same time with that of the bituminous beds existing in it, or enclosed in the adjacent strata of this period

The bituminous mineral is found in three conditions.— solid, soft or pasty, and liquid; and as in general the purity and quality of the beds bear some relation to the nature of the surrounding soil, the layers enclosed in sand and cretaceaw marl are always of solid asphaltum mixed with earthy materials from the circumjacent layers; while the beds of liquid or pasty mineral are almst exclusively of the serpentine formation, with, besides, this marked difference between them and the solid asphalt, that the former are found in irregular veins, for the most part slight

in

to be used for lighting, or from its application in ship-building, and for other industrial purposes.

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in

in yield and with little or no proportion of earthy matter from the rocks that encase them. And so marked are these distint characteristics that it is often sufficient to inspect a specimen of the mineral to determine with probability from its condition and greater or less purity the class of soil and of bed from which is taken.

The soft and liquid minerals are respectively true pissasphalt and oils more or less bituminous, and are almost always found in the serpentine formation; these acquire a greater and often a complete solidity on the surface, in consequence of the evaporation of the essential oils which they contain. Neither of these classes of minerals is worked, although in some localities they are used in small quantities for lighting

purposes

purposes; but they are valuable indications of the probable existence, at greater depths of lighter oils - petroleum or naphtha; indications which, in other conditions of development of the mineral industry, would have caused more numerous and elaborate investigations than the feeble attempts which have hitherto been made.

Nevertheless, the works accomplished and the discovery of deposits of naphtha oil in the mine called "San Juan" situated in the province of Santa Clara, district of San José de los Ramos, hacienda "Motembo," distant more than three leagues North of the railroad station San José de los Ramos and about as far from the coast, are of great importance and worthy of special mention. For some time attention had been

directed

directed to the fact that at many points of this locality hydrocarburetted, gas was escaping; and with the object of investigating the circumstance, Don Manuel del Cueto obtained the requisite permission from the Government General, and in the year 1880 established a boring. After several attempts, which were ineffectual because of his little experience in this class of operations, he discovered, August 18th. 1881, at the depth of 95 metres, a deposit of naphtha oil, of extraordinary purity, which yielded some twenty five gallons daily.

Its special characteristics are that it is colorless, transparent as the clearest water, easily inflamable, and leaves no sensible residue after its complete combustion; its density is 0.737, it boils at

a temperature

a temperature of 85°, dissolves asphaltum and resinous matter, and in fine, possesses the characteristics of a naphtha of the rarest and most exceptional limpidity, and purity.

In the hope of obtaining greater quantities of the oil, the boring was continued, and at the depth of 748 metres another deposit of the same substance was discovered, with a yield of 250 gallons daily. This yield, however, soon diminishing, it was determined to continue the boring; but the operation I unfortunately, had to be discontinued at the depth of 300 metres, and at a time when the escape of gas was greatest, on account of the breaking of the cable used for drawing up the oil, and up to the present time it has

has been impossible to extricate it.

Such is the present condition of this interesting mine, ~~but~~ it is intended to make other borings at points where, owing to the analogous conditions, it is presumed that new deposits exist and where a favorable result is anticipated.

Besides these mines another of bituminous oil is worthy mention in the district of Laguinillas, province of Matanzas, three or four leagues S. W of Cardenas. Its yield has not been great during the last few years, not reaching more than 70 litres daily, which flow from the ~~floors from the~~ sides and bottom of a well of 35 metres depth; but there is now a Company preparing a preliminary

boring

boring in the hope of increasing the yield. This oil contains a great quantity of the bituminous element, and requires one or two clarifications for the extraction of the petroleum, the principal object proposed by the company referred to.

From the same neighborhood two other petitions have been presented to the Goverment, asking concessions for mining the same substance, and the respective boundaries are now being determined.

Another mine of bituminous rock existing in the same province of Matanzas, is of great interest, both from its quality

quality, judging from the specimens presented to the Government by those interested, and from its abundant yield and favorable situation. It is only one kilometre from the North coast, at a place called "Riscon de Puerto Escondido", municipal district of Hato Nuevo, so that transportation for its products is cheap and easy, a circumstance well worthy of consideration in the working of this class of mines.

Although it has been said that the mine is a bituminous rock, its fissures contain a great quantity of soft

of soft asphaltum, which according to information received, constitutes the principal feature in the richness of the mine.-

To this group of soft or liquid asphaltum, it would seem, from its manner of formation, certainly belongs the well known asphalt of the bay of Cardenas; since, judging from its appearance, and from the shells and live coral to which it is found adhering, and which are included in its mass, it is probable that it has at some comparatively recent period assumed the liquid state and spread over the bottom

the bottom of the bay.

The masses of which it is composed are sometimes 70 feet in thickness, of great purity, and much esteemed in the market of New York, where they sell at prices ranging from 80 to 120 dollars a ton.

The foregoing are the principal mines which from the present condition or the recent origin of these minerals can be considered as included in the group of soft or liquid bitumen; and I pass now to a short account of the most notables mines of asphalt, properly so called, which are in the

in the provinces of Havana and Pinar del Rio.

In the province of Havana are the mines "Santa Teresa," "Jesus del Potosí", and "Santa Rosa." The first is situated in the town of Las Minas, near the Bahia rail road. It was worked by a Company until 1862, by means of wells and galleries, to the depth of 86 metres. Its bed consisted of a vein of excellent mineral in the serpentine formation; but whether it became exhausted, or whether proper search was not made, or from some other cause, the mine has been completely abandoned.

Those

Those called "Jesus del Potosí" and "Santa Rosa," the property of Mesrs Glynn and Gomez, border on and are located in a place called "Las Chumbas," half a league South of the station of Campo Florido, on the above mentioned railroad, and on the shores of the river Bacuranao.

The mass or masses of asphalt taken from them are placed between the cretaceam marl and the serpentine rocks which are found on the North, their direction being from S. E to N. W with an aproximated width of

five

five to six metres and extremely deep.

This asphalt is quite impure, owing to the earthy matter which it contains; but, on the other hand, to the mixture of the said earthy substance is owing without doubt its more advantageous application as combustible in grates and retorts for the elaboration of gas, as is evidenced by various experiments made for the purpose, as also for street pavements etc.

The slight nature of the preparatory works hitherto established and the necessity for others which, though not properly

properly belonging to the mines,
were indispensable to their
proper working, account for
the fact that no more than
500 to 700 tons have been
extracted during the present
year; but it is safe to say
that a bed at once abundant
and easily worked exists; besides
which, one of the most in-
dispensable conditions for
cheap transportation is assured,
namely, its proximity to the
rail road station of Campo
Florido, distant some fifteen
miles from Havana.

The remaining mines
of asphaltum now working
are in the province of
Pinar

Pinar del Rio. Those named
"San José" and "Constancia"
are the property of Mr. Henry
L Cranford, and near the
town of Bames, on the banks
of the river of the same name,
which permits an easy trans-
portation of the mineral to
the neighboring port. Notwith-
standing this favorable position
of the mine, and the fact that
the various masses of asphalt
are near the surface, only
few and insufficient works
exist, and the production
has hardly reached 400 tons
during the two last years

The mines in the same
province, entitled "Rodas,"
"Concepcion,"

"Concepcion," and "Magdalena," belonging to Don Ramon Balsinde, as well as the sugar plantations "Cañas" and "Tomasita", on which these are located, at the head of the extensive bay of Mariel. These are mines worked under the open sky, upon masses of asphalt notable for their dimensions, especially the mine "Magdalena", of the plantation "Tomasita," which measures, in the part already laid bare by the works, 12 metres of thickness, more than a hundred in length, and 15 to 12 in depth.

This.

This mass lies in the direction of W.S.W. to E.N.E., and is probably a continuation of the other two mines situated on the neighboring plantation of "Cañas".

The quantity of mineral obtained in this mines amounts to 1000 to 1300 tons a year, which is partly consumed on the same estate of Señor Balsinde, as fuel, and in the production of gas for lighting purposes.

Besides these, there exist other mines, which are either not of so much interest, or have not been officially examined; but these named are

are already sufficient to
prove the abundance of
those bituminous substances
existing in the Island, especially
on the Northern coast; and to
demonstrate the great ad-
vantages which might be
derived from working them,
both on account of the quality
and quantity of the mineral,
and from their proximity to
ports, rendering them of
high importance and worthy
of particular attention from
individuals or Companies
interested in the mineral
industry.

DEPARTMENT OF STATE
APR
24
1883
RECEIVED

Shelton

No. 113 Consulate General of the United States.

Havana April 19th 1883

Adam Badeau

to the Department of State.

Subject: Fees for taking acknowledgments to powers of attorney, authorizing agent to sign invoices for their principals.

Abstract of Contents.

Inclosures.

No. 113 Consulate General of the United States.

Havana April 19th 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

I have the honor to report my receipt of your Despatch No. 39, of April 11th, acknowledging my No. 89, of the 24th March ult, in relation to fees for taking acknowledgements to powers of attorney authorizing agents to sign invoices for their principals.

In regard to the amount of the fee, I have to repeat what I have already stated in my No. 89, that it

it is not greater than is usually charged here for similar services, and that no complaint, direct or indirect, in regard to it has reached me from shippers, or the makers of said powers, or from any other person or quarter in Havana, or from any source whatever except the newspapers referred to by the Department. — In reply to the other points mentioned, I have to say that the power is in the exact language of Form No. 104. Consular Regulations, from which it will be observed that it is unlimited in time, and for any and all invoices. I have supposed it to be good until revoked, or until the

Department

Department orders otherwise.
There has been no idea here of requir-
ing any other or further power than
the first one for any number of
shipments by the same individual.

Only twenty nine such powers
have hitherto been presented at
this Consulate General, and
none of these had been acknowl-
edged before a local officer or other
notary, but I have given directions
that if ~~or~~ such are offered, they shall
be received and filed, the same
as if acknowledged before the
Consul General.

I am Sir
Your obedient servant
Adam Badeau
Consul General.

W Chilton

No 1114 Consulate General of the United States.

Havana April 26th 1883

STATE DEPT
MAY
1
1883
RECEIVED

Adam Badeau

to the Department of State.

Subject: Receipt of Royal Order Authorizing Mr Joseph H Washington to enter upon his functions as Vice Commercial Agent at Cardenas.

Abstract of Contents

Inclosures.

No. 114 Consulate General of the United States.

Havana April 26th 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

I have the honor to report that I have this day received through the Government General of this Island, a copy of a Royal order dated March 21st ultimo, Madrid, authorizing Mr. Joseph H. Washington to enter upon his full functions as Vice Commercial Agent at Cardenas.

I am Sir: very respectfully,

Your obedient servant

Adam Badeau

Consul General.

MAY 1 1883 RECEIVED

Cipher Vol 26 Sent May 22,

No 115 Consulate General of the United States.

Havana April 26 1883

Adam Badeau

to the Department of State.

Subject: Application for State Department Cipher now in use

Abstract of Contents

Inclosures

No 115 - Consulate General of the United States.

Havana April 26 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

I have the honor to apply to be furnished with a copy of the Cipher and Key now used by the Department, the copy which I find here having been received in 1869, and being, as I am informed by the Chief of the Consular Bureau, different from that at present employed.

I am,

Sir,

Sir, Very respectfully
Your obedient servant,
Adam Badeau
Consul General.

MAY 1 1883 RECEIVED

McCullom

The question referred to Mr
O. Cannon. It seems to me that
the local law must govern there
as it would here.

No. 116 Consulate General of the United States.

Havana April 26 1883

Adam Badeau

to the Department of State.

Subject: Liability of an American
Citizen to Spanish Law of Marriage
(Divorce)

Abstract of Contents

Case of Aurelio A. Silveira

2 Inclosures.

No. 116 Consulate General of the United States.

Havana April 26 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir. I have the honor to enclose a copy of a communication addressed by me to the Governor General of this Island, in relation to the case of Aurelio C. Silvera, an American citizen, deprived of his wife and child by the proceedings of a Spanish Judge, together with a copy of the reply of the Governor General.

With refference to the latter document I have to report that Silvera is duly registered at this Consulate

General

General; I am now prepar-
ing an affidavit- depos-
ing positively that the action
of the Judge was against
his protest and with full
knowledge by the Judge of
Silvera's nationality. These
facts are also in evidence
before me by the statements
of a Notary Public before
whom Silvera went prior
to the action of the Judge,
and who accompanied Silvera
to the court.

Silvera has also formally
applied to me to obtain the
restitution of his child.

I respectfully ask whether
the Department accepts the
view of the Governor General
in regard to the authority
of Spanish tribunals to
adjudicate upon the marital
rights or status of American
citizens; and also what

steps

steps I am to take in regard
to any further proceedings
for divorce or separation, and
in regard to the child of
American parents, held from
its father by authority of
a Spanish court.

I have the honor to be

Your obedient servant

Adam Badeau

Consul General

List of Inclosure

1 Letter from Consul General
to Governor General

2 Letter from Governor General
to Consul General with translation.

Inclosure N° 2
With Despatch N° 116
Letter from Governor General
to Consul General

Excmo Sr Consul General
de los E. Unidos de America

Habana 20 Abril de 1883

Mi estimado amigo:

Contesto á la de V re-
lativa á la desavenencia en-
tre el Sr Silvera y en espera
de que entiende el Juzgado de
1ª Instancia de Guadalupe,
manifestandole que, segun
me informa el Ilmo Sr Pre-
sidente de la Real Audiencia,
hace tiempo el matrimonio
Silvera vivia mal, que varias

veces, tanto el marido como
la mujer, pensaban en el
divorcio, y hablaron de ello
al Juez de Guadalupe, que
les contestaba que eso es
esclusivo del Tribunal
Eclesiástico, exhortandolos á
hacer buena vida; hasta que
un dia, la mujer de Sil-
vera, quejandose de malos
tratamientos de su marido,
pidió depósito provisional
para entablar demanda de
divorcio, y el Juez accedió al
depósito, despues de confere-
ciar con Silvera: el Juez Mu-
nicipal Delegado fué á
la residencia del matrimo-
nio á constituir el depósito

llamó á Silvera, hubo cuestion sobre la casa y familia donde habia de quedar depositada la muger, resolvió el Juez que fuera en la casa de su padre, se extendió acta, que firmó Silvera asi como todas las notificaciones posteriores sin alegar ni decir nada de su casalidad, de extrañeza y sin que el Juez sepa nada de eso, pues en todas las diligencias aparece como Español, vecino de la Habana.

El hecho por consiguiente, dice el Ilmo Sr Presidente de la Audiencia, es un acto de depósito de muger casada, que, por malos tratamientos de su

de su marido, quiere en-
tablar demanda de divorcio:
que el Juez le concede la pe-
ticion que la Autoridad debe
á todo desvalido: que no se
trata de derechos civiles, ni
de estatuto personal: que
la demanda de divorcio
queda reservada exclusiva-
mente al Tribunal del Ob-
ispo: que todos los actos y
diligencias del depósito, han
pasado entre ciudadanos es-
pañoles; que los Silveras es-
tan casados canonicamente
en esta ciudad y en la Igle-
sia parroquial de Guada-
lupe, recordandose que ese
casamiento llamó mucho
la atencion

la atencion y provocó gran
concurrencia; porque el Cura
de Guadalupe, por noticias
que tuvo, obligó á Silveira
á abjurar, retractándose
publicamente en la Yglesia
y separándose de la secta
Metodista en que habia in-
gresado en los Estados Unidos

Los Tribunales de Jus-
ticia obran en estas provin-
cias como en las demas de
España, con absoluta in-
dependencia de las Autorida-
des Gubernativas y con su-
jecion a las leyes y códigos
vigentes, sin necesidad de
la autorizacion ni permi-
so de este Gobierno General,

para

para administrar justicia
al que ala pide, porque
las leyes y Tribunales Espa-
ñoles, amparan á todo
el que se vea atropellado
ú oprimido, ya sea na-
cional ó extranjero, así
como tambien, conoce de
todos los contratos y diferen-
cias entre extranjeros, si
uno de estos acude pi-
diendo justicia, que los Tri-
bunales administran con
entera independencia, sin
que nadie, ni particular
ni autoridad pueda in-
mischuirse en cuestiones
de derecho civil, ni en actos
privados que solo atañen
á los interes

Dueño de su afmo amigo Q.B.S.M.
(Signed) Luis Prendergast

Consulate
of the
United States of America

Havana April 20th. 1883

My esteemed friend

I have to acknowledge the receipt of your communication relative to the disagreements between Mrs. Silvera and his wife of which the Judge of First Instance of Guadalupe has jurisdiction, informing you that, as the President of the Royal Audience notifies me, for some time the couple Silvera were living on bad terms; that several times, the husband as well as the wife contemplated divorce and spoke of it to the Judge of Guadalupe; that he answered

them

them that it was exclusively within the power of the Ecclesiastical Tribunal, exhorting them to live more harmoniously; until one day the wife of Silvera complaining of the bad treatment of her husband applied to be placed provisionally in trust in order that she might take preparatory steps for a divorce, and the Judge acceded to the application after conference with Silvera. The Municipal Judge delegate went to the residence of the pair to establish the trust: called Silvera, discussed the house and family in which the wife was to be deposited; the Judge determined that it

should

should be in the house of her father; the document was prepared which Silvera signed as well as all the subsequent notifications, without alleging or saying any thing of his quality of foreigner, and without the Judge knowing any thing of it, since in all the business he appeared as a Spaniard, citizen of Havana. The proceeding, in consequence, says the President of the Audience, is an act of deposit of a married woman who, on account of the ill treatment of her husband, wishes to take preliminary steps for a divorce: the Judge concedes the petition, as the

authorities

authorities should be all unprotected or helpless persons;
that there is no question
of civil rights nor of personal
status; that the demand for
a divorce is reserved exclusively
for the Episcopal Tribunal;
that all the acts and business
of the deposit of trust have
passed between Spanish citizens;
that the Silveras were canonically
married in this city, it being
remembered that the marriage
excited much attention and
provoked a great crowd, because
the curé of Guadalupe, on
account of informations
that he had received, obliged
Silvera to abjure, retracting
publicly

publicly in the Church, and separating himself from the Methodist Sect into which he had entered in the United States.

The Tribunals of Justice act in this province, as in the rest of Spain, with absolute independence of Gubernatorial authority and subject to the laws and codes in force, without necessity of authorization or permission from the Governorent General, in order to administer justice to whoever asks it, because the Spanish law and Tribunals protect every one who may be trampled on or oppressed

oppressed,
or ~~offended~~, whether native
or foreigner; they also take
cognizance of all contracts
and differences between foreigners
if one of them has recourse
to them, asking justice, which
the Tribunals administer
with entire independence,
without any one, private or
official being able to interfere,
in questions of civil right
or private acts which only
pertain to those interested.
&c &c
(signed) Luis Prendergast

Inclosure N° 1.
with Despatch N° 116
Letter from Consul General
to the Governor General of this
Island. —

His Excellency April 16th 1883
The Governor General
Excellency:

I have the honor to
state that I am informed by
Aurelio C. Silvera, an American
citizen, so registered at this office,
and a married man, that on
the 5th day of April inst. one
Judge Orando, in substitution
of the Judge of First Instance
in the Guadalupe District,
Havana, went to the residence
of his (Silvera's) father-in-law,

N°-107

N° 107 Salud street, and, contrary to the said Silvera's wishes, ordered that his wife and daughter should there be constituted "in trust"; advised Silvera not to go to that house again, and informed him that his wife was willing to "establish a divorce". Silvera protested against the proceedings, on the ground that the Judge had no jurisdiction in the matter; but no attention was paid to his protest, and eleven days have elapsed, during which he has not been allowed to see either his wife or child.

I have the honor to inquire whether under Your Excellency's

Authority

authority, Spanish Judges are allowed to order divorces between American citizens, to take from an American citizen the custody of his wife and child, or in any way to interfere with the marital rights or status of Americans.

I will thank Y. E. for a very early answer to this communication, as it is apparent, from the extremely grave questions which it raises, that I must promptly take instructions from my Government, if the present state of the case continues.

I have the honor to be

Your Excellency's

most

obedient servant

(signed) Adam Badeau

Consul General

Mr. Chilton.

DEPARTMENT OF STATE
MAY 1
1883
RECEIVED

No 176 Consulate General of the United States.

Havana April 26 1883

Adam Badeau

to the Department of State.

Subject: Acknowledgment of receipt of despatch No 40 from the Department

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Abstract of Contents

Inclosures

obedient servant

(signed) Adam Badeau

Consul General

Mr. Chilton.

DEPARTMENT OF STATE
MAY
1883
RECEIVED

No 117 Consulate General of the United States.

Havana April 26 1883

Adam Badeau

to the Department of State.

Subject: Acknowledgment of receipt of despatch No 40 from the Department

Abstract of Contents

Inclosures

No 117 Consulate General of the United States.

Havana April 26th 1888.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

I have the honor to report the receipt of your Despatch No. 40 of April 18th inst, acknowledging my No. 98 of the 5th inst. with reference to the inspection of hogs lard imported into Cuba, from the United States, I note the views of the Department on this subject, and will at once make the requisite inquiries in order to give the Department

the

the further information it de-
sires.

I am,

Sir

Very respectfully

Your obedient servant

Adam Badeau

Consul General.

Telegram

Havana - Cuba.

Form No. 1.

THE WESTERN UNION TELEGRAPH COMPANY.

This Company **TRANSMITS** and **DELIVERS** messages only on conditions limiting its liability, which have been assented to by the sender of the following message. Errors can be guarded against only by repeating a message back to the sending station for comparison, and the company will not hold itself liable for errors or delays in transmission or delivery of **Unrepeated Messages**, beyond the amount of tolls paid thereon, nor in any case where the claim is not presented in writing within sixty days after sending the message.

This is an **UNREPEATED MESSAGE**, and is delivered by request of the sender, under the conditions named above.

THOS. T. ECKERT, General Manager. NORVIN GREEN, President.

NUMBER	SENT BY	REC'D BY	CHECK
470 NY	3 22	4 04 P 4 Y	

Received at Corcoran Building, S.E. Cor. 15th & "F" Sts. Washington, D.C. 8 30 P M April 27 1888.

Dated Brooklyn NY 27

To Hon John Davis Acting Secy of State W D C

Please inform Hon John W Foster that I will leave here for Washington on monday morning and will meet him at the Department some afternoon or early Tuesday morning. Shall Stop at the Ebbitt House

Ramon O Williams
35 Cambridge Place

Report on this - why is Polleys away for
post - why is the post so carelessly conducted
till Badeau we have written to
Polleys

No. 118 Consulate General of the United States. Mr Shelton

Havana May 1st 1883

ans May 7/83.

Adam Badeau

to the Department of State.

Subject: Forwarding Despatches
of Commercial Agency at
San Juan ~~~ dels Remedios.

Abstract of Contents

Inclosures.

No. 118 Consulate General of the United States.

Havana May 1st 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

I have the honor to forward herewith quarterly returns and other Despatches from the Commercial Agency at San Juan de los Remedios; and to state that having previously returned to the Agent various other papers addressed to the Department because of informalities in the preparation, I judged it proper to forward them exactly as received, that the Department may determine whether any further attempts on my

on my part to remedy
such irregularities will not
be hopeless.

I have the honor to be Sir
Your obedient servant
Adam Badeau
Consul General

Dft Chilton

DEPARTMENT OF ST
MAY
7
1883
RECEIVED

No. 119 Consulate General of the United States.

Havana May 2nd. 1883

Adam Badeau

to the Department of State.

Subject: Acknowledging receipt of Despatch No 41 of April 21st from the ——— Department

Abstract of Contents

Inclosures.

No. 119 Consulate General of the United States.

Havana May 2nd 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

I have the honor to report the receipt of your Despatch N° 41, of April 21st ultimo, announcing your reply to the inquiries in my N° 90 of March 27th last, relative to the citizenship of Mr. José B. Martinez, the substance of which will be communicated to him

I am Sir: very respectfully

Your obedient servant

Adam Badeau

Consul General

Mr. Chilton

A. A. G. Looks right. H.

DEPARTMENT OF STATE
MAY 10 1883
RECEIVED

No. 120 Consulate General of the United States.

Havana May 5th 1883

Adam Badeau

to the Department of State.

Subject: Error in title of Vice Commercial Agents at Baracoa & San Juan de los [redacted] Remedios.

Abstract of Contents

Inclosures.

No. 120 Consulate General of the United States.

Havana May 5th. 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

I have the honor to report that I have received from the Government General of this Island official copies of two Royal Orders, one of 13th of February last, granting permission to Mr. Pablo Alayo to enter upon his functions as Commercial Agent at Baracoa, and the other of the 21st of March last, granting permission to Mr. José G. Fuentes to enter upon his duties as Commercial Agent at San Juan delos Remedios. As both these officers are

already

already acting as Vice Commercial Agents at their respective posts, I inquired informally at the office of the Gverment General if the clerical error in the copy order consisting of the omission of the word "Vice", could be corrected; but was informed that if correction was desired, it could only be made at Madrid, as the word "Vice" did not occur in the copies sent to the Government General.

I submit the case to the Department so that it may take the requisite steps if it should think proper to have the error rectified.

I am Sir.

Your obedient servant

Adam Badeau

Consul General

Form No. 3.

CABLE MESSAGE

THE WESTERN UNION TELEGRAPH COMPANY.

CABLE MESSAGES received for transmission must be written on the Message Blanks provided by this Company for that purpose, under and subject to the conditions printed thereon, and on the back hereof, which conditions have been agreed to by the sender of the following message.

THOS. T. ECKERT, General Manager. NORVIN GREEN, President.

NUMBER	SENT BY	REC'D BY	CHECK
442	nemn		22 Gold

Received at 28

Dated Havana May 5 1883

To State Department

Washington

Parties arrived here yesterday will be held till papers arrive Claim Counsel and object search persons please instruct

Badeau

DEPARTMENT OF STATE
MAY
10
1883
RECEIVED

and Ft O'C. May 11/83.

No 121 Consulate General of the United States.

Havana May 5th 1883

Adam Badeau

to the Department of State.

Subject: Arrest of alleged forgerers fugitives from the United States —

Abstract of Contents

Inclosures.

No. 121 Consulate General of the United States.

Havana May 5th 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir:

I have the honor to report that I yesterday received a Despatch by telegraph from the Department in these words:

"Gov't Washington.

May 3

Badeau Consul General Havana

W H Westbrook & C 13 Northcott whose proper names are William H Sinclair and Samuel B. Halliday arrested at Nuevitas charged with forgery request authorities to hold them. Papers are being prepared. Frelinghuysen"

I at once made an application to the

to the Governor General, who gave the requisite orders; the men arrived at Havana yesterday, and I was notified in the evening. They were visited last night by my direction by the Consular Clerck Mr. Joseph A. Springer. They asked to employ counsel and object to a personal search. The police, however, took possesion of their personal effects, making an inventory in the presence of Mr. Springer. I this morning telegraphed to the Department in these words:

"State Department
Washington

Parties arrived here yesterday: will be held till papers arrive claim counsel and object search persons: please instruct. Badeau."

The Captain General and the Chief of Police are unwilling

willing to order a personal
search of the fugitives un-
less at my request, and
the Captain General expressly
states that he is willing to do
what the United States Govern-
ment desires, but only that.
I respectfully ask for detailed
instructions, as I have had
no experience in extradition
cases, and there has been not
one precedent in this office
in many years. I do not
know whether the Depart-
ment desires me simply
to request the authorities to
hold the accused, and leave
all details to them; or
whether I am to suggest
or request

or request any thing in
behalf of the Government
or of the individuals.

I am Sir

Your obedient servant

Adam Bureau

Consul General

Personal.
No.

Mon Mr. Clark thanks for his
Assistant Secretary of State suggestions
Will receive careful consideration
Considération
respectfully be decided upon
Rec'd June 5/83
Rec'd May 8
Mr. Clark
1883
Mace,
Chargé
Havana
Dec 1883
Sept 6
File - Havana.

Dear Sir:

In view of the public notice that the President of the Republic of Santo Domingo has lately asked for authority from the legislative power of that country to conclude a Commercial Reciprocity Treaty with the United States; to the end that the former may escape the disastrous effects that in the absence of such treaty it would suffer in the case of the ratification of the one now pending between the United States and Mexico, I beg, most respectfully to suggest, that whenever such treaty comes up for the consideration of the Department of State, that provision be made in it, in favor of American

Shipping and Navigation Interests, by restricting all Imports to be allowed to enter the ports of the United States from Santo Domingo free of duties to the

1st. Condition, That they shall only arrive in American or St. Domingo vessels,

2d Condition, That all Imports from the United States, that in virtue of such treaty may be allowed to enter the ports of Santo Domingo free of duties, shall likewise be transported thither in American or Santo Domingo vessels.

The application of these conditions to a treaty with Santo Domingo, would only be, as far as practicable in the case on the part of the United States - an extension of the principle underlying the government of its coastwise trade - the object being to limit its carrying exclusively to American vessels.

This provision is absent in the treaty negotiated a few years back between the United States, and the Sandwich Islands, and it is, also, absent in the one just concluded between the United States and Mexico.

But it would seem to be an omission or oversight, that in Reciprocity Treaties with countries dependant upon the Sugar Market of the United States for their growth and support, and between which and the United States the Atlantic and Pacific Oceans intervene, that no provision should be made in favor of American shipping, and this is the more noticeable in the present meagre and decrepit condition of the American Merchant Marine.

This omission, to all appearance, constitutes the principal reason the majority of American Merchants and ship owners look upon the Sandwich Island treaty with so little favor,

Should this provision be omitted, too, the Reciprocity Treaty about to be ght by Santo Domingo, then the result time will be, that the United States all have built up there through its gar and Molasses Markets, a rich d populous islands for other nations sell to, and carry for; but not buy from, as now happens th the Islands of Cuba and Puerto ico, both of which subsist almost exclusively upon the Sugar market f the United States.

The present and prospective Sugar interests of Santo Domingo, must always depend as much upon the United States, as do those of Louisiana; and Sugars and Molasses shipped from New Orleans to New York and other U States ports, have to be carried in American bottoms; which is no more than right and reciprocal; Since the production of Sugar in Louisiana, is promoted and supported by the

protection granted by American consumption,

But, if a State of the American Union is subjected to this restriction, it is difficult to perceive why a Sugar island of the West Indies or of the Pacific Ocean, equally dependent upon the protection of the United States, should be exempt from it.

Besides it is not solely the native inhabitants of Santo Domingo, who are now developing the Sugar interests of that island; and thereby, simultaneously extirpating disorder, and evolving order instead through re-productive labor, and its effects, agriculture and Commerce, but principally by the New Comers.

Persecution and Misgovernment, always in like proportion, cause like effects — whether practiced under an Alba, a Louis the 14th; or a Valmaseda:

accordingly, the development of Santo Domingo has been started by Cuban planters, who were not permitted to remain in peace at home.

That country, owing to its many natural resources, together with its proximity to the United States, is destined to become one of the principal purveyors of Sugar. to the United States.

The present and prospective magnitude of the demand from the United States for tropical products, will ever exert great Commercial attraction upon the Sugar islands of the West Indies, and Pacific Ocean, and this attraction will increase in direct proportion to the growth of the United States. The one will ever ask to participate of the benefits of the other. The great American system of Inter-State Free Trade.

Therefore, a due regard for the interests of the United States, would seem to require, that in granting treaties to these ~~islands~~, that the interests of American shipping be not lost sight of, and that intercourse with them be assimilated as far as practicable and advised to the laws governing the coast wise carrying trade of the United States; thus, with mutual advantage, would both enjoy the common benefits of Commercial Union, without any of the disadvantages of Political Union.

I am, Sir,

With great respect,

Your obt. Servant,

Ramon O. Williams

Copy to Treasury May 17/83.

RTMENT OF ST
MAY
15
1883
RECEIVED

Mr Clement

No. 123 Consulate General of the United States.

Havana May 8th. 1883

Jan 11/84.

to the Department of State.

Subject: Answering to inquiries in Circular February 21st. 1883 on financial matters

Abstract of Contents

1 Inclosures.

No. 123 Consulate General of the United States.

Havana May 8th 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

With reference to the Circular from the Department of February 21st. 1883 received in March last, I have the honor to make the following replies, as close as I have been able to obtain, from the most authentic sources, official and other, on the Island.

I am particularly indebted for the information to the courtesy of Joseph W. Todd Esq., an English banker of the firm of Todd, Hidalgo & C°, and G P. Martinez Esq. a Cuban

a Cuban merchant, both gentlemen of the highest standing in financial matters in Havana

I am Sir: very respectfully
Your obedient servant

Edward Barrem
Consul General

List of Inclosures

1 Replies by Consul General of the United States at Havana to inquiries in Circular of State Department, February 21st. 1883

Inclosure N° 1

With Despatch N° 123

Replies of the Consul General of the United States at Havana to inquiries in Circular of State Department, February 21st. 1883..

1st — What was the amount of gold coined, in denominations and value?

Answer — No gold is coined in Cuba.

2nd — What was the amount of silver coined, in denominations and value?

Answer — No silver is coined in Cuba.

3rd- What

3rd — What was the import and export of gold coin and of gold bullion?

Answer — The import $2.558.099^{50}$ and the export $3.061.300

4th — What was the import and export of silver coin and silver bullion?

Answer — The import $1.255.823^{20}$ and the export 458.795^{60}

5th — What amount of gold was produced by the mines?

Answer. — There are no gold mines in Cuba.

6th — What amount of silver was produced by the mines?

Answer. — There are no silver

silver mines in Cuba.

7th.— What was the estimated amount of gold coin in the Treasury, in banks, and in circulation, respectively, at the close of the year 1882.?

8th.— What was the estimated amount of silver coin in the Treasury, in banks and in circulation, respectively, at the close of the year 1882?

Answer to questions 7th and 8th.— At the end of the year 1882. the amount of the precious metal held by the banks was $11.040.028 76 and in the Treasury $3.141.215 besides an estimated amount of $14.000.000 in circulation all over the

Island

Island in gold and silver coin, of which, however, a very small per centage of the latter.

9th — What ~~was~~ the amount of paper currency, ~~government~~ and other, respectively, was outstanding at the close of the year 1882?

Answer — The amount of paper currency in circulation during the year 1882 amounted to $44.862.543.75

10th — Were any laws passed during the year 1882, affecting the coinage issue, or legal tender character of the metalic and paper circulation? If so, please transmit copies.

Answer

Answer — No laws are passed in Cuba on any subject.-

Desp. Consular

RTMENT OF ST
MAY
15
1888
RECEIVED

No. 124 Consulate General of the United States.

Havana May 9th 1888

Adam 1 Badeau

to the Department of State.

Subject: Acknowledging receipt of Despatch No 42 from the Department

Abstract of Contents

Inclosures.

No. 124 Consulate General of the United States.

Havana May 9th. 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

I have the honor to report my receipt of your Despatch N° 42 of April 28th ultimo, acknowledging my N° 113 relative to fees for taking acknowledgments to powers of Attorney authorizing agents to sign invoices for their principals, and approving my course in the matter

I have the honor to be Sir.

Your obedient servant

Adam Badeau

Consul General

Desp. Consular

RTMENT OF S.
MAY
15
1883
RECEIVED

No. 125. Consulate General of the United States.

Havana May 9th 1883.

Adam Badeau

to the Department of State.

Subject: acknowledging receipt of Despatch N°43 from the Department

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Abstract of Contents

Inclosures.

No. 125 Consulate General of the United States.

Havana May 9th. 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

I have the honor to report my receipt of your Despatch N° 43 of the 28th April ultimo, acknowledging my N° 100 of the 7th of same month in relation to the demand made on the Mesrs Lawton for arrearages of the Extraordinary War Tax, and instructing me to continue to protest against the enforcement of the demand, and in case of similar claim by the Cuban authorities against other American citizens, to make like protest and

Report

report such cases to the Department without delay.

I am Sir: very respectfully
Your obedient servant

Adam Badeau
Consul General.

Dft. Claims

RTMENT OF ST
MAY
15
1883
RECEIVED

No 126 Consulate General of the United States.

Havana May 9th 1883

Adam Badeau

to the Department of State.

Subject: Acknowledging receipt of circular of February 8th and 12th, March 26th ~~——~~ and 31st, and April 11th 1883 from the Department

Abstract of Contents

Inclosures.

No. 126 Consulate General of the United States.

Havana May 9th 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

I have the honor to report my receipt of circulars from the Department, dated February 8th and 12th, March 26th and 31st and April 11th. 1883, refering respectively to the aggregate returns of fees on June 30th; to the forwarding of triplicate invoices; to leaves of absence; to the printing of Consular reports without permission of the Department; and to fees for the certificates of receipt and delivering of ship's papers; on which

subjects

subjects the practice at this
Consulate General conforms
to the instructions contained
in said circulars

I am Sir very respectfully
Your obedient servant
Adam Ballen
Consul General

Index & file
Consd May 11.
W Comm

Telegram

Havana May 10th 1883.

Form No. 3.

CABLE MESSAGE

THE WESTERN UNION TELEGRAPH COMPANY.

All **CABLE MESSAGES** received for transmission must be written on the Message Blanks provided by this Company for that purpose, under and subject to the conditions printed thereon, and on the back hereof, which conditions have been agreed to by the sender of the following message.

THOS. T. ECKERT, General Manager. NORVIN GREEN, President.

NUMBER	SENT BY	REC'D BY	CHECK
459	My	Jon	6.42 pm

Received at Madrid May 10 1883

Dated Havana

To State Department

Washington

Authorities impatient for extradition papers.

Badeau

Annex Enl B
and say his cross
Mark through is afsanas

Filed
Ans 20 June 6/83.

DEPARTMENT OF STATE
MAY
15
1883
RECEIVED

No. 127 Consulate General of the United States.

Havana May 10th 1883

Adam Badeau

to the Department of State.

Subject: Extradition of the so called Wilson H Westbrook and Sanford B. Northcote.

Abstract of Contents

3 Inclosures.

No. 127 Consulate General of the United States.

Havana May 10th 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

Referring to my Despatch N° 121, of May 5th inst. relative to the detention of the alleged forgers, calling themselves Westbrook and Northcote, I have the honor to report that on the 7th inst, I received a telegraphic despatch from the Department in these words:

"1 Badeau Consul General

Havana

Telegram May 5th received; no objection to parties having Counsel; see article seven, treaty of seventeen ninety

five

five 1795: matter of search entirely subject to local law.

Davis."

On the 8th inst, I received a communication from the
1/ Governor General, a copy and translation of which I enclose, together with a copy of my
2/ reply.

On the 8th, also, I received
3/ a communication signed Sanford B. Northcote and Wilson Westbrook a copy of which is also enclosed. To this I have made no reply as I ascertained that the prisoners were allowed to retain $50. each by the police authorities, and were not subjected to any peculiar hardships or deprivations.

I have the honor to review my request for exact and detailed instructions; as the Treaty is not minute ~~enough~~ in language, and

I can

I can find nothing on the files of this office to guide me, in addition to which I expect obstructions at every step from the authorities.

I have the honor to be Sir
Your most obedient servant
Adam Badeau
Consul General

List of Inclosures

N° 1- Letter from Governor General to Consul General with Translation

N. 2 - Letter from Consul General to Governor General.

N° 3. Communication from the so-called Sanford B Northcote & Wilson Westbrook to Consul General

Inclosure N°1.
With Despatch N°127
Letter from Governor General
to Consul General.

Estando guardando de-
tencion en la Carcel de esta
capital Mesrs W. H. Westbrook
y S. B Northcote, á quienes se
refiere la comunicacion de V.S.
de fecha 3 del actual, y siendo
indispensable para decretar
su extradicion, el auto de
prision dictado por el Tribu-
nal respectivo de los Estados
Unidos; ó los justificantes
del delito conforme á lo es-
tablecido por el convenio de
extradicion de 5 de Enero de
1877

1877; de orden del Exmo Sor Gobernador General, lo manifiesto á V.S. con objeto de que se sirva llenar dicho requisito á la mayor brevedad, á fin de evitar la responsabilidad en que segun nuestras leyes, incurren las autoridades de esta Isla, si se prolongase por mas tiempo la detencion de dichos individuos.

Dios guarde á V.S. m.s a.s

Habana 7 Mayo 1883.

(firmado) M. Diaz dela Quintana

Sor Consul General delos Estados Unidos en esta Capital

Translation

Translation

Messrs W. H. Westbrook and L.B. Northcote, to whom your communication of the 3rd inst refers, being detained in the jail of this Capital, and according to the provisions of the Treaty of Extradition of January 6th 1877, the warrant of arrest of the proper Tribunal of the United States or the proofs of the crime being indispensable for the decree of Extradition, by direction of H. E. the Governor General, I so inform Your Honor, so that you may please to comply with the said requirement ~~at~~ with the greatest possible quickness

quickness, in order that the
authorities of this Island may
be relieved of the responsability
which under our laws will
attach to them, if the detention
of the said individuals is
further prolonged.

Havana May 7th. 1883.

I have the honor to be

Your obedient servant

(signed) M. Diaz de la Quintana

To the Consul General of the
United States in this Capital

Inclosure N° 2

With Despatch N° 127.

Letter from Consul General to Governor General.

His Excellency

The Governor General

Excellency:

I have the honor to acknowledge the receipt of Y. E's communication of the 7th May inst. relative to the persons calling themselves W. H. Westbrook and C. B. Northcote, but whose real names, as stated by the Secretary of State, are William H. Sinclair and Samuel B Halliday. In obedience to

my

my orders, shewn to Y. E.
on the 3rd of May inst. I
requested that these individuals,
already arrested for forgery, might
be held, and further stated, on
the authority of the Secretary
of State, that the requisite
papers were being prepared.
Y. E. then informed me of
your willingness to do what-
ever the United States Govern-
ment desires in this matter

As Y. E's communication
of May 4th inst., however, requests
me to comply with the provisions
of the Treaty of January 5th, 1887,
by forwarding the warrant of
arrest or the proof of the crime
with the greatest possible
quickness

quickness (a' la mayor brevedad),
in order that the authorities
of this Island may be relieved
of the responsability in which they
are placed if the said individuals
are longer detained, I have
the honor to state that as
soon as the required papers are
forwarded me by the United
States Government, I will
promptly submit them to the
Cuban authorities; but as
five days only have elapsed
since the receipt of my despatch
and of my application to Y. E;
I can hardly consider that my
Government is dilatory in not
obtaining the material and
forwarding it by sea, twelve hundred
miles

miles, in that period. Especially when we consider the length of time that a Government frequently requires to obtain answers from its subordinates.

I beg also very respectfully to state, in reply to what is said in regard to the responsability of Cuban authorities - that inasmuch as International law is every where held paramount to municipal regulations, the Cuban authorities would be protected by the Treaty from any responsability which might accrue to them from a further detention of the accused; especially as there is no limit assigned in the Treaty, within which the papers

the papers can not be presented
or for which only the accused
can be detained.

I have the honor to be
Your Excellency's
Most obedient servant

(signed) Adam D Badeau
Consul General)

miles, in that period. Especially when we consider the length of time that a Government frequently requires to obtain answers from its subordinates.

I beg also very respectfully to state, in reply to what is said in regard to the responsability of Cuban authorities - that inasmuch as International law is every where held paramount to municipal regulations, the Cuban authorities would be protected by the Treaty from any responsability which might accrue to them from a further detention of the accused; especially as there is no limit assigned in the Treaty, within which the papers

the papers can not be presented
or for which only the accused
can be detained.

I have the honor to be
Your Excellency's
Most obedient servant

(signed) Adam Badeau
Consul General)

Inclosure N° 3.
With Despatch N° 127
Communication from
the so-called Sanford B. North-
cote and Wilson Westbrook. to
Consul General.

Mr. Wilson Westbrook and
Mr. Sanford B. Northcote, prisoners
in the Royal Jail of this city
since May 5th. 1883, are
asking you that without
any delay you will return
to them the ($600.00) six hundred
dollars in gold that was
taken from them in the act
of arresting them, by the
Functionary of the Police of
Havana, Cuba

And

And in case that
the money should not be
in your possession or under
your control you will demand
it from the functionary of
the Government of Spain
in Cuba, that might have
taken it into their possession
as we are in need of it for
the support of the comonon
necessities of our lives while
confined in prison here;
including food and suitable
quarters for which we have
to pay from our own resources.

So that we are obliged
to at once protest with all
the formes of our rights against
the irregular manner that
had been

has been brought to bear to
obtain our detention and
imprisonment here and from
the irregular search, and
deprivation of our baggage
effects and our monies, jewelry,
passports and personal property.

As until now we have
not been notified in a legal
form or manner of the deeds
or the motives that justifies
or credits such unjust
proceedings against us and
such abuse of our rights
as American citizens. And
we furthermore protest against
the illegality of the act of
breaking the seals upon our
baggage placed thereon by
the

the American Consul of
Nuevitas, Cuba and the inspection,
detention and deprivation of
said baggage - a protest that
from this hour we make and
notify you of; that we may
execute it at our first
opportunity, and that said
protest may be presented
legally before the United States
Government at Washington.

Havana 6 May 1883

(signed) Sanford B Dole cote

(") Wilson Westbrooke

Dft Claimants

RTMENT OF ST
MAY
15
1883
RECEIVED

No 128 Consulate General of the United States.

Havana May 10th 1883

Adam Badeau

to the Department of State.

Subject: Acknowledging receipt of Despatch No 244 from the Department

Abstract of Contents

Inclosures.

No. 128 Consulate General of the United States.

Havana May 10th 1883.

To the Honorable

John Davis.

Assistant Secretary of State

Washington.

D. C.

Sir.

I have the honor to report my receipt of your Despatch No 44 of May 4th inst, acknowledging my No 95 to 117, including my report on the asphaltum trade, which I am glad to perceive has the commendation of the Department, as it cost me personally much labor and time, it being difficult, if not impossible, for me to procure translators with the requisite knowledge of both Spanish and English for such purposes.

I am

I am Sir:

Your obedient servant

Adam Badeau

Consul General

DEPARTMENT OF STATE
MAY
15
1883
RECEIVED

Rec'd & ans'd May 16/83.

No. 129 Consulate General of the United States.

Havana May 10th 1883

Adam Badeau

to the Department of State.

Subject: Requesting to be furnished with two reams of despatch paper

Send by first mail -

Abstract of Contents

Inclosures.

No. 129 Consulate General of the United States.

Havana May 10th 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

I have the honor to request to be furnished with two reams of paper similar to that on which this Despatch is written, there being none such to be obtained in Havana. The printing can be done here; or, if ordered at Washington, only one ream is required with headings.

I am Sir: very respectfully

Your obedient servant

Adam Badeau

Consul General

Telegram

RTMENT OF S.
MAY
12
1883
RECEIVED

Havana - May 11th 1883.

Form No. 2.

CABLE MESSAGE

THE WESTERN UNION TELEGRAPH COMPANY.

All CABLE MESSAGES received for transmission must be written on the Message Blanks provided by the Company for that purpose, under and subject to the conditions printed thereon, and on the back hereof, which conditions have been agreed to by the sender of the following message.

THOS. T. ECKERT, General Manager. NORVIN GREEN, President.

NUMBER	SENT BY	RECD BY	CHECK
463	mmm	47	

Received at 456P May 11 1883

Dated Havana

To State Department Washington DC

Telegram received Governor General has placed prisoners disposition of local judge who declares will order release if proofs not presented before Sunday evening Seven o'clock I have informed Governor General

Dated

To

United States will look to him to hold prisoners till papers arrive

Padeau

323

456P

Recd. May 11 1883 P.M.

DEPARTMENT OF S.
MAY
18
1883
RECEIVED

No 130 Consulate General of the United States.

Havana May 11th 1883

Rec'd May 22/13.

Adam Badeau

to the Department of State.

Subject: Application for permission to visit subordinate Consulates, and to appoint ~~a temporary~~ Deputy.

Abstract of Contents

Inclosures.

No. 130 Consulate General of the United States.

Havana May 11th 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

Referring to Par. 11 Consular Regulations, I have the honor to request permission to visit the several Consular posts within the jurisdiction of this Consulate General, for the purpose of inspection and report. There are many subjects of a commercial nature, in addition to the purely supervisory inspection of the subordinate Consular districts, upon which I believe I could obtain information likely to prove acceptable to the Government, and if it should

be

be thought advisable, a report could be added of a semi-political nature, upon the condition of the population and institutions of the Island.

If the requisite instructions should be given, I beg to suggest that they be forwarded before the extreme heat and the rains of the Cuban summer are likely to interfere with travelling.

I would be extremely obliged if the Department would accord me permission to take a clerk with me on this duty. It is assistance would be almost indispensable, and would certainly enable me to double the value of the information collected, by setting it down promptly and fully at the time, and would also shorten the period during which my absence from Havana would be necessary.

If the permission is granted,

I.

I beg to nominate Mr Joseph A. Springer, Consular Clerk, on duty here, to act as temporary Deputy Consul General, to sign invoices and other papers on the occasions when I may be unable to perform this duty. A permanent deputization would not be necessary, as I should be absent only at intervals and for a few weeks altogether, and would be in correspondence with my office, and able to return in case of necessity for personal supervision or action. Mr Springer has already given bonds as Consular Clerk, and I have no doubt of the requisite permission of the local authorities.

I have the honor to be
Sir.
Your most obedient servant
Adams Bullock
Consul General.

Telegram.

Havana. May 12th 1883.

Form No. 3.

CABLE MESSAGE

THE WESTERN UNION TELEGRAPH COMPANY.

All **CABLE MESSAGES** received for transmission must be written on the Message Blanks provided by this Company for that purpose, and are subject to the conditions printed thereon, and on the back hereof, which conditions have been agreed to by the sender of the following message.

THOS. T. ECKERT, General Manager. NORVIN GREEN, President.

NUMBER	SENT BY	REC'D BY	CHECK
447	Sy		

Received at Washington May 2 1883

Dated Havana

To State Department

Washington

Spanish Ministers telegram not received but Governor General promises men shall be held till papers arrive

Badeau

To Spain 22 June

DEPARTMENT OF STATE
MAY 18 1883
RECEIVED

Asst Sec'y Mr. Hunter 23/83 May

Clements

No. 131 Consulate General of the United States.

Havana May 12th 1883

Adam Badeau

to the Department of State.

Subject: Fines imposed on brig "Nettie," for alleged smuggling.

Abstract of Contents

Inclosures.

No. 131 Consulate General of the United States.

Havana May 12th 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

I have the honor to enclose copies of a correspondence between myself and the Governor General on the subject of the fines imposed on the Master of the American brig "Nettie," at Cienfuegos, and approved by the Treasury, for alleged attempt at smuggling. The
1/ correspondence consists, first, of two
2/ letters from myself to the Governor
3/ General; second, of a reply from His Excellency enclosing a decree of the Treasury; and third, of my
4/ protest against said decree.
5/ I also enclose a copy

of

of a communication addressed to the master by the Customs' authorities at Cienfuegos.

I do not know that I can add any thing to what appears in this correspondence; but I am of course desirous to know if the position assumed by me is approved by the Department, and whether I am to take any further steps.

I have the honor to request as early instructions as it may be convenient for the Department to afford, as the intentions of the authorities is evidently to proceed to extremities unless the United States peremptorily intervenes, and the perishable nature of the cargo, — lard, ham, &c. renders delay ruinous to master and owners.

I am Sir
Very respectfully
Your obedient servant
Adam Badeau
Consul General.

List

List of inclosures

N° 1 Letter from Consul General
to Governor General May 3rd/83

N° 2 - Letter from Consul General
to Governor General May 9th/83

N° 3 Letter from Governor General
to Consul General

N° 4 - Protest of Consul General
against the decree of the
Direction of Finance

N° 5 - Letter from Custom House
to the master of the brig
"Nettie"

Inclosure N° 1
With Despatch N° 131
Letter from Consul General
to Governor General.

His Excellency.
The Governor General
Excellency:

I have the honor to refer to the case of the American brig "Nettie" detained at Cienfuegos; and in regard to which I have already had several interviews with Y. E. I understand the case to be that the master signed a grossly incorrect manifest before the Spanish Consul at New York, and subsequently a very different and correct

and correct one, which was
not visaed by the Consul. This
correct manifest was presented
on his arrival at Cienfuegos
and it being without visa,
the ship was fined $500 dollars
and the fine promptly paid.
Subsequently the authorities
accused the master of fraud
or attempt to smuggle, and
insisted upon discharging
his cargo, though he then
desired to proceed to Jamaica
without unloading. The vessel
is now detained but not
discharged and the accusation
of fraud, I am informed, has
being tried, but the decission
is not officially made known
to me

to me.

I beg to say that it seems to me if the master is chargeble with improperiety it must come under one of the following heads:

1st- The signing and delivering an incorrect manifest at New York, a fault, and if perjury was committed, a crime, which is punishble only in New York where the offence ocurred

2nd - The delivery on arrival at Cienfuegos of a correct manifest, without the visa of the Spanish Consul for which he was fined $500, already paid,

3rd. Intention

3rd – Intention to smuggle, which not having been consummated, remains only an intention, and is therefore not punishble by any law.

I should be as anxious as Y. E. to assist in preventing or punishing smuggling; for it is one of my most onerous and constant duties to protect against the infliction of punishments upon innocent Americans – masters or shippers, and I could with no propriety present such protest in behalf of the innocent if I strove to screen of save the guilty; and if a fault in the eye of the law has in this instance been

been committed, I shall be
most glad to see it properly
punished; If perjury was
committed at New York, I
trust the proper steps will
be taken to bring the offenders
to justice; but in regard to
what occurred in Cuba I beg
to say that the action of the
Cienfuegos authorities in
accepting the second manifest
and imposing a fine precludes
them from insisting on a
reference to the first, which
was not presented, and only
by insisting on the first
can any discrepancy between
cargo and manifest be proven.

In regard to the detention

of the

of the vessel and its enforced discharge, I respectfully beg to inquire by what authority and under what provision of international or Spanish law, a master can be forced to discharge his goods, consigned to order, or prevented from carrying them to another port where he finds it to his advantage so to act.

I have the honor to be

Y. E's most obedient servant

(signed) Adam Badeau

Consul General

Inclosure No 2

With Despatch No 131.

Letter from Consul General

to Governor General

Havana May 9th. 1883

His Excellency

The Governor General

Excellency:

Referring to my communication of May 3rd inst. relative to the brig "Nettie" detained at Cienfuegos, I have now the honor to ask definitely that the "Nettie" having paid the fine of $500 imposed for presenting a manifest without the visa of the Spanish Consul at New York, and the master

the master being willing to discharge and to pay the required duties; that either be permitted so to discharge upon payment of the legal duties, or to clear for Jamaica or such other foreign port as he desires

I am Your Excellency's
most obedient servant
(Signed) Adam Badeau
Consul General

Inclosure Nº 3
With Despatch Nº 131
Communication from
the Government General to
Consul General..

Por la Direccion General
de Hacienda con fecha 7 del
actual, se comunica al Exmo
Sõr Gobernador General lo que
sigue =

E. S. Como contestacion
al oficio de V. E. remitiendo
la protesta del Sõr Consul
de los Estados Unidos sobre
lo ocurrido en el puerto de
Cienfuegos con el bugue
Americano "Stettie", tengo el
honor de trasladar á V. E.

íntegro el decreto de esta Direccion, que á la letra dice así: "Habana 26 de Abril de 1883 Vistos los artículos 123, 121 párrafo 1°, 135 apartado segundo inciso 3° de las Ordenanzas vigentes de aduana= Considerando que el hecho al firmar, jurar y presentar un manifiesto falso en el Consulado de New York, el Capitan del bergantin "Nettie" ha violado una de las reglas administrativas mas importantes toda vez que el manifiesto consular es la principal garantía y base de todas las operaciones en nuestras Aduanas, y que la intencion de

eludir

eludir el pago de los derechos de importacion es patente y manifiesta= Considerando que el articulo 121 delas Ordenanzas no es ni puede ser aplicado al caso de que se trata en que consta de una manera legal y fehaciente la existencia de un manifiesto de origen legítimo, sino que se refiere y no puede menos de referirse al caso en que se carezca de aquel porque de otro modo equivaldria a conceder al Capitan de un buque la facultad de presentar el que tuviera por conveniente, segun las facilidades que para hacer el

contrabando encontrare al lle-
gar al puerto de su destino, y
las Ordenanzas en ese caso ven-
drian a dar forma legal de
defraudar los intereses dela
Hacienda, cuando su tendencia
es la de reprimirlos á todo
trance = Considerando que aun
para el caso de notarse que
el manifiesto de que es por-
tador el Capitan de un
buque contiene errores el
articulo 26 dela Ordenanza
en su apartado segundo, in-
ciso 11 concede á los navieros
y cargadores ó consignatarios
la facultad de hacerlo pre-
sente á la Administracion
dela Aduana del puerto

a donde el buque va dirijido
y que esta Direccion jamas
se ha negado á admitir rec-
tificaciones de manifiestos den-
tro de las condiciones legales
y que en el caso de que se
trata y a pesar de haber
transcurrido el largo tiempo
que necesita un buque de ve-
la para hacer la travesia
de New York á Cienfuegos
nada se reclamó por los in-
teresados sobre los errores del
manifiesto del bergantin
"Hettie" aunque estos eran tan
notables como que se decla-
raban especies de escasísimo
valor en lugar de mercan-
cias que lo tienen grande =

y Considerando

y Considerando por último
que demostrado que el Capi-
tan del bergantin "Nettie" ha
violado la regla administra-
tiva con tendencia manifiesta
de eludir el pago de derechos
constituye el delito de defrau-
dacion á esta direccion. Vistos
los informes de la Seccion, Sub-
direccion y Consultoria y con-
forme con lo acordado por la
Junta Administrativa de Cien-
fuegos de 9 del corriente, considera
al Capitan del bergantin
"Nettie" incurso en el delito de
defraudacion y por tanto com-
prendido en el articulo 135 apar-
tado segundo, inciso 3° de las
Ordenanzas de Aduana y

que

debe ser penado con arreglo al
artículo 116 párrafo segundo de
las mismas = Esta resolucion que
solo es revocable por la via Conten-
ciosa-Administrativa segun
lo que dispone el artículo 139
delas Ordenanzas, fué dictada
desestimando la alzada del
Capitan del bergantin "Hettie"
contra la resolucion dela ci-
tada Junta: En su consecuen-
cia no es posible permitir la
salida del buque habiendose
dado las ordenes oportunas
para la descarga por cuenta
de quien corresponda exijiendo
la multa que previene el
artículo 116 de las Ordenanzas,
procediendo en caso necesario

a la

á la venta en publica subasta
del cargamento y si no fuese
suficiente á cubrir los derechos
y multas se proceda tam-
bien á la venta del buque
segun lo dispone el articulo
134 = Lo que participo á
V.E. con inclusion de la
carta oficial del mencionado
Consul delos Estados Unidos."

Lo que de orden de S.E.
tengo el honor de trascribir a V.S.
para su conocimiento y como con-
testacion á su escrito de 3 del
corriente -

Dios guë a V.S. m.s a.s
Habana 10 Mayo 1883.
(signed) M. Diaz de la Quintana
Sor Consul Gral de los Estados Unidos de Amer

Translation

Enclosure No 3.

The general direction of Finance under date of the 7th instant informs his Excellency the Governor General as follows:

Your Excellency, In reply to your communication transmitting the protest of the U. S. Consul relative to what occurred in the port of Cienfuegos in the matter of what occurred in the case of the American brig brig "Nettie". I have the honor to transmit to your Excellency in full the decree of this Department which is literally as follows:

Havana April 26. 1883.

In consideration of Article 123 & 121. Paragraph 1. division 2da of the Ordinances in force relative to Customs and considering that in signing, & vocalising to & presenting a Bill manifest at the Consulate at New York, the Captain of the brig "Nettie", violated one of the most important administrative rules, since a Consular manifest is the principal guarantee & basis of all operations in our Custom Houses & since the intention to avoid the payment of import duties is patent & manifest; Considering moreover that Art. 121.* of the ordinances is not & cannot be enforced in the case

case in question in which ~~it sat-~~
isfactorily appears that there has
been a lawful manifest, but that
it refers & cannot but refer to
cases in which there is no man-
ifest, since otherwise it would
be equivalent to granting to the
Captain of a vessel the privilege
of presenting any one that he
might think proper, according
to the facilities to smuggling that
he might find in the port of
his destination & the ordinances
in such case would give their
legal sanction to the defrauding
of the interest of the Treasury,
whereas their real object is to
repress the same at all hazards
& considering that even in case

of two
more
manifests

of it being found that the manifest presented by the Captain of a vessel presents errors, Art. 26 of the Ordinance in its second division, Paragraph 11 grants to owners of vessels or freighters or Consignees the privilege of pointing out the such error same to the Collector of Customs in the Port of the vessels destination, & this Department has never refused to receive corrections of manifests when properly presented, and, in the case in question notwithstanding that the long time had elapsed which is required by a Sailing vessel in order to come from New York to Cienfuegos, nothing was said by the interested parties concerning [lawful] the errors of the manifest of the

brig "Nettie", although said cross were of such magnitude that goods of great value were declared as being goods of very little value; and finally considering that it having been shown that the Captain of the brig "Nettie" has violated the rule with evident intent to avoid the payment of duties and that this constitutes the crime of defrauding this Department; and in view of the reports of the section and subdirection, in accordance with the orders of the administrative Board of Cienfuegos of the 9th instant, the Captain of the brig "Nettie" is considered to have been guilty of defrauding and thereupon the subject to

the provisions of Art. 125 Div 2.
Par 3. of the Customs Ordinances.
and that he should be punished
according to Art. 116, Par. 2 of
the same. This decision has
been rendered notwithstanding
the failure of the Captain to
obey the decision of the afore-
said Board. Consequently the
departure of the vessel cannot
be permitted & the necessary
orders have been given that
it be uncleared for the account
of the proper parties, & that the
fine be required for which pro-
vision is made by Art 116, of
the Ordinances, & that if necessary,
the Cargo be sold at public auction,
& that if this be insufficient
to pay the amount of the

All through
see last
for correct
Turn

duties of fines the vessel likewise be sold, according to article 134.

Of all of which I inform your Excellency, enclosing the official note of the aforesaid U. S. Consul.

Which, by order of H. E. I have the honor to transcribe to you for your information & in reply to your communication of the 3d inst. God guard you many years.

(Signed) M Diaz de la Quintana

To the Consul General
of the U. S. of America.

Havana, May 10, 1883.

This decision, which is only reviewable on regular appeal through the administrative channels, in conformity with the provisions of Art. 139 of the Customs Ordinances, has been rendered without heeding [i.e. rejecting, not taking into consideration as well founded] the protest of the Captain of the Argentina Nettie against the decision of the aforesaid Board.

Inclosure No 5
With Despatch No 131.
Comunicacion de esta Aduana [de Cienfuegos] al Capitan del Bergantin Americano "Vettie."

Por los medios que esta Administracion ha tenido a su alcance dada la resistencia á suministrarle datos mas exactos se ha formado la liquidacion de la multa que debe V.d satisfacer y que asciende á la suma $41282.19, a cuyo pago queda V. notificado desde luego.

Suponiendo que en su caracter de estrangero ignorará los procedimientos ejecutivos de este pais y deseando hacerle comprender á la vez que sus deberes todos sus derechos me apresuro a manifestarle a V.d que despues de esta tramitacion preliminar de todas las

ejecuciones por la via de apremio
tiene V.d por tres dias la facultad
de impugnar con datos positivos
la liquidacion practicada
y satisfacer la verdadera
suma a que asciende la
penalidad impuesta sin lo
cual al espirar el plazo, es
decir el viernes proximo por
la tarde procederé á em-
bargar en nombre de la
Hacienda y depositar en per-
sona de mi satisfaccion el
buque "Hettie" con su carga-
mento que poco despues
seran tasados y rematados
para aplicar su importe
ó la parte de el que fuese
necesario á cubrir la can-

tidad que se le reclama

Cienfuegos 8 Mayo 1883

Translation
Enclosure No 5.

Communication of the Custom House at Aimpuegs to the Captain of the Am. brig. "Nettie".

By the means which this office has had at its disposal, notwithstanding your refusal to furnish fuller data, the amount of the fine to be paid by your has been determined upon, and you are hereby notified that said fine amounts to $41,282.19.

It being presumed that you being a foreigner, are ignorant of the proceedings usual in this country and as it is desired to make you acquainted not only with your duties but with all your rights, I hasten to inform you

that after this preliminary proceeding there will be granted to you for three days the privilege of impugning with positive data the estimate determined upon to pay the true amount of the fine imposed, & in default of which at the expiration of the time allowed, that is to say on Friday next in the afternoon I shall proceed to seize in the name of the Treasy. the brig Nettie with its Cargo, which, soon afterwards will be appraised & sold at public auction in order that the proceeds thereof or such part of such proceeds as may be necessary may be applied to the payment of the amount required

Cienfuegos. May 8th 1883.

Inclosure No 4

With Despatch No 131

Letter from Consul General

to Governor General.

Havana May 11th. 1883

To His Excellency

The Governor General

Excellency:

Referring to my communication of May 3rd and to Y E's reply May 10th inst, enclosing a copy of a decree of the Treasury in the case of the American brig "Nettie," said decree declaring the master of said brig guilty of fraud and to be punished by the imposition of duties

and

and fines, in payment of
which the cargo is ordered
to be publicly sold, and if
the proceeds of the sale prove
insufficient, the ship is also
ordered to be sold— I have
the honor at once and most
emphatically to protest in
the name of the Government
of the United States against
such decision and decree
and sentence.
1st— On the ground that the
offence of making a false
manifest, of which the
master is accused, if it
occured at all, occurred in
New York, and no American
citizen is liable to be punished
by a Spanish

by a Spanish Tribunal for
an offence committed in American
territory.
2nd— Because there has been
no attempt to present a false
manifest and if at any time
there may have been an intention
so to do — there is no Spanish
Court with authority to punish
American citizens for intentions
while there has been no attempt
to consummate.

Wherefore in view of
this protest and of the grave
questions raised by the action
of the Treasury I respectfully
request Y. E to cause all
further proceedings on this
matter to be postponed until

the present correspondence can
be submitted to the United
States Government and its
action can be communicated

I have the honor to be
Y.E. most obedient servant
Adam Badeau
Consul General

DEPARTMENT OF STATE
MAY
18
1883
RECEIVED

No. 132 Consulate General of the United States.

Havana May 12th — 1883

Adam Badeau

to the Department of State.

Subject: Extradition of prisoners charged with forgery, named Northcote and Westbrook.

Abstract of Contents

5 Inclosures.

No. 132 Consulate General of the United States.

Havana May 12th 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

Referring to my Despatch No. 127 of May 10th inst, relative to the Extradition of the alleged forgers Westbrook and Northcott, I have the honor to report that on the same date, I received a communication from the Governor General, A copy of which, with translation, I have the honor to enclose. I at once telegraphed to the Department in these words.

"Havana May 10th

State Department

Washington D. C.

Authorities

Authorities impatient for extradition papers.

Badeau."

On the same day I addressed
2/ the Governor General a communication, a copy of which is enclosed.
On the 11th. I received the
Departments telegram of that
date as follows.— "Washington Dept May 11
"Badeau. Havana, Cuba.
Agents with extradition
papers on the way, see article
twelve, treaty of April eighteen
hundred and eighty three.
Davis."

On the 11th. also I received
3/ a communication from the
Judge of the 1st. Instance of the
District of Pilar, a copy of which
with translation is enclosed, and
immediately addressed to the
Governor General a commu-
4/ nication of which also a copy
is forwarded. At the same time
I despatched a telegram to the

Department

Department in these words,—

"State Department,
Washing, D. C.

Telegram received.
Governor General has placed prisoners disposition of local judge who declares will order release if proofs not presented before Sunday evening seven oclock.
I have informed Governor General, United States will look to him to hold prisoners till papers arrive.

Badeau."

To this I have to day received the following reply by telegraph.

"Washington Govt.
May 11. 1883.

"To Badeau Consul General, Havana.
Call attention of authorities to article twelve of treaty of april eighteen eighty three, and insist upon compliance therewith. article twelve 12 reads—
if when a person accused shall
have

have been arrested in virtue of
the mandate or preliminary warrents
of arrest issued by the competent
authority as provided in artide
XI hereof, and been brought be-
fore a judge or magistrate to
the end of the evidence of his or
her guilt being heard and ex-
amined as herein-before provided,
it shall appear that the mandate
or preliminary warrent of arrest
has been issued in pursuance
of a request or declaration re-
ceived by telegraph from the
government asking for the
extradition, it shall be competent
for the judge or magistrate at
his discretion to hold the accused
for a period ~~not~~ exceeding twenty
five days, so that the demanding
government may have opportunity
to lay before such judge or magis-
trate legal evidence of the guilt
of the accused; and if at the
expiration of said period of

twenty five

twenty-five days such legal evi
dence shall not have been pro-
duced before such judge or
magistrate, the person arrested
shall be released, provided that
the examination of the charges
preferred against such accused
person shall not be actually go-
ing on.

Davis,"

I have also this day received
another communication from
the Governor General of which
a copy with translation is enclosed,
and after an interview with the
Governor General this day,
I have dispatched the following
telegram to the Department.

"Havana May 12. 1883

State Department
Washington D. C.

Spanish Minister's telegram
not received but Governor General
promised measures shall be held till
papers arrive. Badeau"

The late hour at which some of this business has been transacted has prevented the preparation of the translations of the Spanish communications in time for the steamer of today, but they will be forwarded by the next bag.

I am
Sir
Very respectfully
Your obedient servant
Adam, Ballen
Consul General.

List of enclosures.

N° 1 Letter from Government General to Consul General
" 2 " " Consul General to Governor General
" 3 " " the Judge 1st Instance to Consul General
" 4 " " Consul General to Governor General
" 5 " " Governor General to Consul General

Inclosure N°. 1
With Despatch N°. 132
Letter from Govenment
General to Consul General.

———o———

El Sr Juez de 1ª y. del Dsto
del Pilar en comun fecha de
hoy dice al Excmo Sor Gobdor
Gral lo siguiente:

Excmo Sor: Tengo el honor
de poner en conocimiento de V. E.
que á las diez de la mañana
de este dia se han recibido en
este Juzgado las diligencias
instruido por el Jefe de Policia
de los Estados de America para
la estradicion de Dn Wilson
Westbrook y Mr. Sanford B.
Nomtbcort acusados del delito

de estafa; a fin de que se sirva disponer lo conveniente para que los detenidos queden desde luego á disposicion de este Juzgado; y á la vez para que se digne comunicarlo al Sr Consul Gral de los Estados Unidos y puede este acudir ante el que provée á hacer las gestiones conducentes segun lo prevenido en el artículo once del tratado de estradicion que se halla en vigor, rogando á V.E. se sirva acusar recibo."

Y habiendo acordado S.E. que los citados individuos queden á disposicion del Juzgado referido, para que se cumplan los requisitos que deben

preceder á su estradicion, de
su órden lo comunico á V.E.
para su conocimiento y demás
efectos.

Dios gde á V. S.m.s
a.s Habana Mayo 10 de 1883
(firmado) M. Diaz de la Quintana.

Sor Consul Gral de los
Estados Unidos en esta
Capital.

Inclosure No 2
With Despatch No 132
Letter from Consul General
to Governor General

Havana May 10th 1883

His Excellency
The Governor General

Excellency:

In reply to your letter
of this date enclosing a copy
of a communication from the
Judge of the First Instance
of the District of Pilar stating
that the individuals calling
themselves Westbrook and North-
cote, arrested for fraud and
held at the request of the United
States Government are now
at

at the disposition of said
Judge – I have the honor
to state that I have received
a telegram informing me
that the necessary papers
are this day despatched
from New York and as I
can make no application
to the Judge under the Treaty
without such papers, I have
respectfully to state that I
can only look to H. E to
hold the accused under Treaty
obligations as a matter of
international comity until
the arrival of the papers
enables me to comply with
the provisions of the Treaty,
which of coarse, I shall do

with the greatest possible
promptness

I have the honor to be
Y. E's most obedient servant

(Signed) Adam Badeau
Consul General

Inclosure Nº 3

With Despatch Nº 132

Letter from the Judge of the First Instance of the District of Pilar to Consul General

---

Escribania de Dn Luis Magn Rivero

Urgentísimo

En el expediente que instruyo para tratar de la extradicion de los ciudadanos americanos Mr. Wilson Neatbrook y Mr. Sanford B. Northcote acusados delos delitos de falsificacion y estafa he dispuesto se dirija a V.S. la presente haciendole saber que ai las siete dela noche anterior

han sido puestos á disposi-
cion de este Juzgado por el
Exmo Sr Gobernador General
los citados Westbrook y North-
cote: que con arreglo á lo
que dispone la regla treinta
y una dela Ley Provisional
para la aplicacion del Codigo
Penal vigente en esta Isla,
el que provee tiene que
resolver sobe la situacion
de los detenidos dentro delas
setenta y dos horas siguien-
tes á contar desde las siete
dela noche anterior en
que aquellos fueron pues-
tos á disposicion del
Juzgado segun se deja
consignado: que dentro de

este termino debe V.S. formular ó presentar las pruebas que tenga para interesar la extradicion delos acusados como lo dispone el artículo once del tratado de extradicion vigente para con vista de ellas, este Juzgado emitirá su informe ó certificacion á que se refiere el citado artículo; y que si antes de transcurrir aquella dilacion no lo verifica, se procederá desde luego á lo que corresponda en derecho a fin de salvar cualquier responsabilidad.

Y lodigo á V.S. para su conocimiento y demas

efectos suplicandole se sirva
acusarme recibo.-

Dios gue a V.S. m.s a.s

Habana Mayo 11 de 1883.

(firmado) Andres Angulo

Sr. Consul General de los Es-
tados Unidos de America
en esta Capital-

Inclosure N° 4
With Despatch N° 132
Letter from Consul General
to Governor General.

His Excellency May 11/83
The Governor General

Excellency:

Referring to my previous communications of May 10th inst, on the subject of the fugitives calling themselves Westbrook and Northcote, I have the honor to state that I have received a communication from the Judge of the First Instance of the District of Pilar, stating that the said fugitives have been placed

by

by Y. E. at the disposition of his Court, and that unless the proofs of the guilt of said parties were presented to him within seventy two hours from May 10th 4 P. M. he will order their release according to the penal Code of Cuba with reference to which I have once more most formally to assure Y E. that the United States Government have no concern whatever with the penal code or Municipal laws of Cuba, but only with the provisions of the Treaty of 1877 under which they look to the representative

representative of His Majesty
the King of Spain for the
detention of the alleged criminals
until the proper papers can
be presented to the judicial
authorities. I have already
had the honor to inform
H. E. that those papers are
on the way and will be
presented at once on their
arrival, and I now beg to
enclose a copy of a telegram
received by me this day from
the Assistant Secretary of State
at Washington.

I have the honor to be
H. E's most obedient servant
Adam Badeau
Consul General

5

Inclosure No. 5
With Despatch No. 132
Letter from Govenment General to Consul General

———o———

En respuesta á la comun de V. S. de esta fecha relativa á los detenidos en la Real Carcel Mr. Wilson Westbrook y Mr. Lanford B. Northcorte, debo manifestarle de órden del Excmo Sor Gobdor Gral que se ha dirigida comunicacion al Juez de 1ª y 4ª del Dsto. del Pilar significandole: que las pruebas del delito de que son aquellos acusados deben quedar probablemente en su poder en todo el dia de mañana: y que es procedente se prolongue

la detencion de dichos individuos
hasta recibirse aquellas pruebas,
que en todo caso estaran en
poder del Juzgado antes de los
veinticinco dias de plazo que
señala el artículo 12 del Con-
venio adicional de estradicion
celebrado entre los Estados
Unidos y España, por mas que
este Gobno Gral no halla
recibido del Gobierno Supremo
ese último tratado para su
cumplimiento ni se le haya
dado publicidad.

Dios gde á V.E. m.s a.s

Hab.a Mayo 11 de 1883.

(firmado) M. Diay de la Quintana

Sor Consul de los Estados
Unidos en esta Capital.

Copy.

Mr Clement
&
Mr Morgan

Applied for
Thank Sirs
did so 28/5/83.

File - Havana -

25 Cambridge Place,
Brooklyn, N.Y. 16 May, 1883.

Hon: John Davis,
Assistant Secretary of State,
Washington City, D.C.,

Sir:

In consequence of my recent trip to Washington, made in compliance with your instruction dated the 26th: ult: to confer with the Hon: the Secretary of State, and the Hon: John W. Foster, our Minister to Spain, I incurred the following expenses, the amount of which, I will thank you to remit, or to indicate to me the method of its collection, viz:

For Rail Road fare by 10 am. limited Express from Jersey City in Pullman car to Washington,	$	8.85
" Return per ditto.		8.85
" Hotel Bill in Washington, paid to Ebbit House.		10.
" Printing at the request and for Mr: J.W. Foster, my Notes on Santo Domingo $3.18 and		
" Printing ditto, ditto, my notes		
Carried forward --	$	27.70

Brought forward, $ 27.70

on the exchangeable value of Cuban sugars
compared with that of those of Louisana,
Demarara, etc, $2.75 paid to V.H. McRae, " 5.9[illegible]
for, Work of E.J. Payne, delivered to
"European Colonies"
Mr: Foster, in New York, paid to D.G Bramin, 1.25
" Telegram from Brooklyn to Hon: John Davis,
announcing day of my departure for Washington [illegible]

Total, $ 35.85

I received no vouchers for the items of fare
Rail Road fare, and Telegram, it not being
customary for these companies to give receipts,
but the fact of their disbursement, I think, etc,
must be patent to you, The other vouchers
are herewith annexed.

For your information, I annex copy
of my letter in relation to the subject matter
of my visit to Washington, addressed to Mr:
Foster, in New York, under date of the 8th: inst:

I am, Sir, with great respect,
Your very obedient Servant,
Ramon O. Williams

Copy

35 Cambridge Place,
Brooklyn, N.Y., 8th: May, 1883.

Hon: John W. Foster,
New York City.

Dear Sir:

Complying with your request, I beg hand you the accompanying cane Sugar Statistics Louisiana, and Cuba, together with those of the Beet root Sugar of Europe: also, copies of articles showing the exchangeable value of Cuban ugars compared with those of Louisiana, Demarara, c, published at Havana in 1879 and 1881, El Triunfo, the liberal organ of that City.

I, also, deliver you, herewith, a copy the recent work by D. J. Payne, of England, entitled uropean Colonies. This work will save you e trouble of wading through Charlevoix, St lery, Raynal, Bryan Edwards, and others.

Permit me to recommend to you particularly, reading of the Debates of the British Parliament, the Bill for the Equalization of the Sugar Duties 1847, presented by Lord John Russell,

The Cuban Senators and Deputies the Cortes are,

Mr Güell y Renté,
" Labra,
" Betancourt,

M Bernal, and
" Portuondo, the latter, being the
most able as regards the knowledge of Cub
commercial wants.

With the best wishes, and trusting
you may have a pleasant voyage,
I remain,

Yours Most truly,
Ramon O. Williams

Sole
No 26a

DEPARTMENT OF STATE
MAY
23
1883
RECEIVED

No clements
Ans 71

No. 133 Consulate General of the United States.

Havana May 16th 1883

Adam Badeau

to the Department of State.

Subject: Forwarding translations of inclosures with Despatch N° 132 of May 12th inst.

Abstract of Contents

Inclosures.

No. 133 Consulate General of the United States.

Havana May 16th 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

I have the honor to forward herewith the translations which should have accompanied the enclosures with my Despatch N° 132 of May 12th inst, on the subject of the Extradition of the prisoners calling themselves Westbrook and Northcote, but which I was unable to transmit at the time on account of the press of business at this Consulate General

I am Sir: Your obedient servant

Adam Ballem

Consul General

Inclosure N° 1

With Despatch N° 132

Letter from the Governor General to Consul General.

The Judge of the First Instance of the District of Pilar in his communication of this date says to H. E. the Governor General the following:

Excellency: I have the honor to inform Y. E. that at 10 o'clock, of the morning of this day there have been received by this Court the proceedings initiated by the Chief of Police of the United States of America for the extradition of Messrs Wilson Westbrook and Sanford

B. Northcote

B. Northcote, accused of the crime of embezzlement, so that you may direct what is proper in order that the detained remain from this time at the disposition of this Court, and at the same time that you may be pleased to communicated ~~to~~ the Consul General of the United States, ~~in order~~ that he may appear before me (el que provee) to take the necessary steps ordered in article 11 of the Extradition Treaty now in force. Begging V. E. to be pleased to acknowledge receipt."

And H. E. having ordered that the said individuals

shall remain at the disposition of the said Court so that the requisites preceding Extradition may be complied with: By his order I communicate this to Your Honor for your knowledge and further effects.

May God preserve you many years

Havana May 10th. 1883

(signed) M. Diaz de la Quintana

To the Consul General of the United States at this Capital

Inclosure N° 3

With Despatch N° 132

Letter from the Judge of the First Instance of the District of Pilar to Consul General.-

---

Notary of Dn. Luis Mazon Rivero.

Most urgent

In the proceedings initiated in the matter of the extradition of the American citizens Messrs Wilson Westbrook and Sanford B. Northcote, accused of the crimes of forgery and embezzlement I have ordered the present note addressed to you informing you that at 7 o'clock of yesterday

yesterday evening the said
Westbrook and Northcote were
placed at the disposition of
this Court by H. E. the Governor
General: that in accordance
with what is ordered in rule
31 of the Provisional law for
the application of the Penal
Code in force on this Island,
the writer hereof has to decide
on the condition of the prisoners
within the following seventy two
hours from 7 o'clock last night,
when they were placed at the
disposition of this Court as
has been already stated; that
within this period Your Honor
should make or present the
proofs which you may have
to

to procure the extradition of
the accused as ordered in article
11 of the Extradition Treaty
in force, so that in view of these
this Court may give its
information or certificate to
which the said article refers;
and that if before the expiration
of said period this is not done
proceedings will be taken
~~to~~ in accordance with law
so as to protect this Court
from any responsability

And I so state to Your
Honor for your information
and corresponding action begging
of you to acknowledge the receipt

May God preserve you many
years.

Havana

Havana May 11th. 1883

(signed) Andres Angulo

To the Consul General of the
United States of America.—

Inclosure N° 5

With Despatch N° 132

Letter from Governor General to Consul General

In answer to Your Honor's communication of this date relative to the prisoners in the Royal Jail, Messrs Wilson Westbrook and Sanford B. Northcote, I ought to inform you that by order of H. E. the Governor General, a communication has been addressed to the Judge of the First Instance of the District of Pilar, signifying to him that the proofs of the crime they are accused of will probably be in his ~~possession~~ to-morrow at some time during the

the day and that the time during the detention of said individuals until those proofs are received, which in any case will be in the jurisdiction of the Court before the twenty five days of the term stated on article 12 of the additional Treaty of Extradition celebrated between the United States and Spain, although this Government General has not received from the Supreme Government the last mentioned Treaty for its direction nor it has yet been published.

May God preserve you many years

Havana May 11th, 1883

signed M. Diaz de la Quintana

To the Consul General of the U. S. of A.

DEPARTMENT OF STATE
MAY
23
1883
RECEIVED

w/ clement to [illegible]

No. 134 Consulate General of the United States.

Havana May 16th 1883

Adam Badeau

to the Department of State.

Subject: Forwarding translations of enclosures with Despatch N° 131 of May 12th inst.

Abstract of Contents

Inclosures.

No. 134 Consulate General of the United States.

Havana May 16th 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

I have the honor to forward herewith translations which should have accompanied the enclosures with my Despatch N° 131 of May 12th inst, on the subject of the fines imposed on the brig "Nettie" for alleged smuggling, but which could not be prepared at the time on account of the great press of business at this Consulate General.

I have the honor to be Sir

Very respectfully

Your obedient servant

Adam Badeau

Consul General.

Inclosure N° 3
With Despatch N° 131

Translation of Letter from Governor General to Consul General

---

The following has been communicated to His Excellency the Governor General from the Direction General of Finance of Havana, under date of the 7th inst:

"Excellency: As an answer to Y. E's communication forwarding the protest of the United States Consul in regard to the occurrences at the port of Cienfuegos in the matter of the American vessel "Stettie",

I have

I have the honor to remit to Y. E. entire the decree of this Direction which is literally as follows:"

"Havana. April 26th. 1883.

In consideration of articles 126, 121 paragraph 1; 135 Apartado 2nd, inciso 3rd of the Custom House Regulations now in force: In consideration of the fact that by signing, swearing and presenting a false manifest at the Spanish Consulate at New York, the Captain of the brig "Nettie" has violated one of the most important of the Administratives rules, inasmuch as the Consular manifest

manifest is the base and
principal garantee of all the
operations of our Custom House,
and that the intention of
eluding the payment of duties
is patent and manifest: Consider-
ing that article 121 of the
Regulations (Ordenanzas) neither
is nor can be applicable to
the case in question, in which
the existence of a lawful
manifest appears in a legal
and undoubted manner, but
that it refers and can only
refers to cases in which the
manifest is lacking, as
other wise it would be tantamount
to giveing the Captain of a
vessel authority to present
the

the manifest most convenient to him, according to the facilities for smuggling which he might discover on his arrival at his place of destination, and the Regulations in that case would furnish a legal form for defrauding the interests of the Treasury when their object is to repress such at every hazard; Considering that even in the case of noting that the manifest of which the Captain of a vessel is the bearer contains errors, article 26 of the Regulations in its apartado 2nd inciso 11 affords to the charterers or consignees permission to make

make this known to the
Administration of the Custom
House of the port to which
he is bound, and that this
Direction has never
refused to admit rectifications
of a manifest within
legal conditions; and that
in the case in question
although the long period
required by a sailing vessel
to make the trips between
New York and Cienfuegos
has elapsed, nothing has
been claimed by the interested
parties in regard to the
errors in the manifest of
the brig "Stettie", although
they were so conspicuous that
goods

goods almost valueless
were declared instead of
specially valuable ones;
and Considering, finally,
that it being demonstrat-
ed that the Captain of
the brig "Nettie" has violated
the Administrative rules with
the manifest intention of
eluding the payment of duties,
and that this constitutes the crime
of fraud upon this Direction:
In view of the information
furnished by the "Seccion,"
"Subdirection" and "Consultation",
and in conformity with the
decrees of the (Junta Admi-
nistrativa) Administrative
Counsel of Cienfuegos on
the

the 9th inst, it is considered that the Captain of the brig "Nettie" is guilty of the crime of fraud, and therefore within the provisions of article 135 apartado 2nd inciso 3rd of the Custom House Regulations, and that he should be punished according to article 116 paragraph 2nd of same. This decree which can only be revoked by the via contencivsa administrativa according to the provisions of article 139 of the Regulations, was determined notwithstanding the protest of the Captain of the brig "Nettie" against the resolution of the said Administrative Counsel

and /

and therefore it is not possible to allow the sailing of the vessel, the necessary orders for her discharge having been given on account of whom it may concern, demanding the fine ordered in article 116 of the Regulations and proceeding if necessary to the sale at public auction of the cargo, and if this is not sufficient to cover the amount of duties and fines, to the sale of the vessel as is ordered in article 134."

Which I notify to Y. E., enclosing the official letter of the already mentioned Consul of the United States.

Which by order of Y. E.

I have the honor to remit to
Your Honor, for your knowledge,
and as an answer to your
communication of the 3rd inst.

May God preserve you many years
Havana May 10th, 1883
(signed) M. Diaz de la Quintana

To the Consul General of the
United States of America —

Inclosure N° 5

With Despatch N° 131

Translation of letter from Custom House to the Captain of the American brig "Nettie."

By such means as this Administration had in its power, in view of the neglect to furnish more positive facts, the determination of the fine you have to pay has been made, and reaches the amount of $41.282-19, which payment you are notified to make.

Believing that in your character of foreigner you will not be acquainted with the executive proceedings of this country

country, and wishing to make
you understand at the same
time your duties and all your
rights, I hasten to inform
you that after this preliminary
course of all the proceedings by
Judicial compulsion, you have
the right for three days to oppose
with positive facts the liquidation
made, and to pay the actual
sum to which the penalty imposed
may reach; failing which, at
the expiration of the term, that
is to say, on Friday next, in the
evening, I will proceed to embargo
the vessel "Nettie" with her cargo,
in the name of the Treasury,
and to keep it in trust, and she
shortly afterwards will be
appraised

appraised and sold at auction
the proceeds or such part of
them as may be necessary to be ap-
plied for the payment of the sum
claimed.

Cienfuegos May 8th. 1883

To Ships 2 a/ Jr

DEPARTMENT OF STATE
MAY 23 1883
RECEIVED

Mr Clements

No 135 Consulate General of the United States.

Havana May 17th 1883

Adam Badeau

to the Department of State.

Subject: Fines imposed on the brig "Nettie" for alleged smuggling.

Abstract of Contents

Inclosures

No 135 Consulate General of the United States.

Havana May 17th 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

Referring to my Despatch No. 131, of May 12 inst, referring to the Fines imposed on the brig "Nettie" for alleged intention to smuggle, I have the honor to enclose a copy, with translation, of a communication addressed to me by the Captain General on this subject, and of my reply.

I am Sir.

Your obedient servant

Thomas Badeau

Consul General

Inclosure N° 1

With Despatch N° 135

Letter from Governor General

to Consul General

Sor Consul Gral de los Estados Unidos

Muy estimado Sr mio:

He recibido la atenta co-

municacion de V.S. de 11 del

corriente, en que protesta V.S.

de la resolucion dictada por

la Direccion Gral de Hacienda

de esta Isla en el asunto del

bergantin americano "Kettie"; y

se sirve V.S. suplicarme, que

suspenda todo procedimiento

en este caso mientras que lo

someta V.S. al Gobierno de su

nacion y pueda V.S. recibir

instrucciones

instrucciones

Con gusto proveería lo que correspondiese á su atenta solicitud si estuviese en mis facultades; pero estas no alcanzan á detener el curso de un procedimiento enteramente arreglado á las leyes españolas, en el cual, habiendo acudido el capitan William McKey á la Direccion Gral de Hacienda ha dictado este Centro (único competente para dictarla) la resolucion que fue comunicada á V.S. Ahora, como tambien se participó á V.S. puede el interesado recurrir ante el Consejo de Administracion á pedir que sea revocado dicho fallo, y no

dude

dude V.S. que ese alto Tribunal
le administrará justicia, siendo
el unico competente para resolver
en ese tramite. Allí podrá alegar
el Capitan McKey ó su represen-
tacion legal, si lo cree oportuno,
las razones legales que V.S. somete
indebidamente á mi conocimien-
to, las cuales no puedo permi-
tirme dilucidar, porque pre-
juzgaría el fallo del Tribunal
competente.

Solo me corresponde con-
testar á V.S. que considero sus
protestas inoportunas toda vez
que el asunto está sometido
á un procedimiento regular
y ajustado á las leyes españolas
vigentes y en ningun modo

á trámites arbitrarios que exijan
esas protestas innecesarias cuando
las mismas leyes permiten
recursos legales á los subditos
extrangeros para ser oidos y que
se les administre justicia.

Por último solo me resta
recordar á V.S. y hacerle presente que la soberanía delos Estados autoriza a cada uno
para establecer los procedimientos y trámites que considere
mas justos, á los cuales se
hallan sometidos todos los
residentes en el territorio, así
nacionales como extrangeros,
inclusas las naves mercantes
que entran en sus puertos, en
todo lo concerniente á leyes
penales

penales y de policía, ¡y mas aun
si se trata de ofensas dirijidas
al Estado mismo ó á sus inte-
reses, cuyo fuero preeminente,
que no puede V.S. ignorar, está
V.S. en el deber de respetar y
hacer respetar á sus nacionales
como representante de una
potencia amiga en cuyo ilus-
trado Gobierno no puede presu-
mirse la pretension de que
sus ciudadanos disfruten en
territorio español de inmuni-
dades que rechaza el derecho
internacional generalmente
admitido

Queda de V.S. attmo S

Q. B.S. M.

(firmado) Luis Prendergast

Inclosure N° 1

With Despatch N° 135.

Translation of letter from

Governor General to Consul General

To the Consul General of the

United States

I am in receipt of Your

Honor's communication of date

11th inst., in which Your Honor

protests against the resolution

decreed by the Direction General

of Finance in the matter of

the American brig "Kettie", and

in which Your Honor is

pleased to request of me a

suspension of all proceedings

in the case until you can

submit it to your Government

and

and receive instructions.

I would, with pleasure, give orders in conformity with your request if it were within my power; this, however, is not sufficient to enable me to stop the course of a proceeding entirely conformable to Spanish law, and in which the Captain, William McKey, having applied to the Direction General of Finance, that authority, the only one capable, has decreed the resolution that was communicated to Your Honor. Now, as before, I inform Your Honor that the interested party is at liberty to appeal to the Administrative Council (Consejo de Administracion) to ask a revocation

a revocation of the said decree,
and Your Honor can have no
doubt that that High Tribunal
will administer him justice,
being the only one competent to
decide in that proceeding.
Captain McKey or his legal
representative can there allege,
if he thinks it proper, the legal
reasons which Your Honor
submits improperly to me, which
I can not allow myself to
elucidate as it would be to
prejudge the decree of the competent
Tribunal.

It only remains for me to state
to Your Honor that I consider
your protest ill timed, inasmuch
as the matter is subject to a

regular

regular proceeding conformably to the Spanish laws in force and in no way to arbitrary proceedings requiring such unnecessary protests when the same laws allow legal recourse to foreign subjects to be heard and to have justice administered to them.

Finally it only remains to me to remind Your Honor and to call your attention to the fact that the Sovereinty of States authorizes each to establish such proceedings as it deems most just, to which all the residents in its territory, national as well as foreigners, including merchant vessels arriving in its

its ports, are subject in all
that concerns the police and
penal laws, especially if the
question concerns offenses
committed against the State
itself or its interests; which
preeminent privileges ~~as it cannot~~
be unknown to Your Honor,
you are bound to respect and to have
it respected by your fellow citizens,
as representative of a friendly
power, in which enlightened
Government can not be
presumed the pretention
that its citizens will enjoy in
Spanish territories privileges
rejected by international laws
Generally admitted.

I remain Sir

Your

Your obedient servant

(signed) Luis Prendergast

Havana May 14th, 1883

Inclosure N° 2

With Despatch N° 135.

Letter from Consul General

to Governor General.

Havana May 17th. 1883

His Excellency

The Governor General

Excellency:

I have the honor to state that I have received with great regret Y. E's communication of the 14th inst with reference to the action of the Treasury in regard to the master of the brig "Nettie", accused of smuggling. I fail to find in Y. E's com-

munication any reply to my protest against the said action

on

on the ground that the real offense was not committed in Spanish territory and therefore not punishable by Spanish authority, and that the alleged fraud in any event remained an intention only, the act never having being consummated at all; and I regret extremely that Y.E. has not stated a determination, as in other and previous cases has been done by both Y.E. and Y.E's predecessors, to suspend action until the view of the United States Government can be made known on a question admitted to be both grave and delicate, and in its consequences

Very

very possible important to more than individuals. This failure to comply with my request for delay is especially to be regretted, as no possible harm can come to any Spanish interest from a willingness to allow time for my communication with my Government.

In regard to my right to protest, I have the honor to state that I have repeatedly been instructed by my Government to protest against decrees of the Treasury at similar stages of the proceedings; and that having formally received from D. E a copy of a decision of the Treasury, and the master of the "Nettie" having been notified

that

that his shop would be sold within a few days, I consider that it was both my right and my duty to protest against a decision transmitted to me by the highest authority of the Island, and so peremptory in its nature that suspension was indispensable unless submission should be made to an assumption of authority which I claim to have been untenable

I have the honor to be
Your Excellency's
Most obedient servant

(Signed) Adam Badeau
Consul General

DEPARTMENT OF STATE
MAY
23
1883
RECEIVED

Desp. Consulate

No 136 Consulate General of the United States.

Havana May 17th 1883

Adam Badeau

to the Department of State.

Subject: Acknowledging receipt of Despatch No. 45 from Department.

Abstract of Contents

Inclosures

No 136 Consulate General of the United States.

Havana May 17th 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

I have the honor to report my receipt of your Despatch No. 46 acknowledging mine relative to the Despatches from the Commercial Agency at San Juan de los Remedios.

I am Sir

Very respectfully

Your obedient servant

Adam Badeau

Consul General.

duplicate

DEPARTMENT OF STATE
MAY
23
1883
RECEIVED

Mr Clements

No 137 Consulate General of the United States.

Havana May 17th 1883

1

Adam Badeau

to the Department of State.

Subject: Extradition of the so-called W. H. Westbrook and S. B Northcote.

Abstract of Contents

Inclosures.

No. 137 Consulate General of the United States.

Havana May 17th 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

Referring to my Despatch
No 132 of May 12th inst relative
to the Extradition sought of
W A. Westbrook and S. B. North-
cote, I have the honor to state
that on the 12th inst I had
a prolonged interview with the
Governor General on the subject,
at which the principal Judicial
Officer of the Island was present.
The latter had been called in to
advise the Governor General,
and his opinion was that I
should go in person to the Judge
of First Instance and ask a

further

further detention of the prisoners until the necessary papers arrived, presenting a sworn statement that I was authorized so to do. I contended that I had no concern whatever with the Judge, but was simply directed by my Government to apply to the Governor General to hold the fugitives until the proofs arrived. The text of the Treaty, as well as of the supplemental articles, was in the hands of the Spanish officials, and was relied on by the Supreme Judge in support of his views; but I presented your telegram of the 12th inst., stating that the Spanish Minister had telegraphed to the Governor General asking the detention, and declared that after this, it would be disrespectful in me to take the step of

applying

applying to the Judge. I inquire
if the Governor General would
say to me that he declined
to act in accordance with
the request of the Minister;
he had not received any telegram
from the Minister; but nevertheless
finally consented to retain the
prisoners by his own act and
order, until I announced
that the proofs had arrived; all
the Spanish officials agreeing
that this was within his power.

On the 15th inst the
Agents of the President arrived.
In the meanwhile, however, the Judge
of the First Instance had
called on me in person and
stated that he expected me to
appear

appear before him with the
proofs; and as I had yet
no definite instructions
from the Department on
the subject, I announced the
arrival of the proofs to the
Governor General and obtained
a further post ponement.

On the 16th inst I received
your Despatch №46 with
full instructions and a
copy of the Treaty with the
additional articles. Armed
with these, I went again to
His Excellency, and finally
obtained his assent to the
views I had always maintained;
he agreed himself to notify
the Judge of the arrival of the

President's

President's Agents, in order that he might consider the proofs and report, when the requisite writ will be issued by the Governor General on my application to him. I yesterday received from His Excellency a further statement that he had so notified the Judge, and this morning I sent the Agents, with a letter simply announcing who they were, to the Judge, who has appointed 12 m today to receive them and consider the proofs

I am happy to learn not only that my course up to the date of your Despatches was approved, but also that my

my position since, and the views entertained by me, in advance of further instructions, have now been ratified by the positive statement of my Government

I have the honor to be Sir
very respectfully
Your obedient servant

Adam Badeau
Consul General

To Marcia 22 Jan

Telegram.

RECEIVED DEPT OF ST MAY 19 1883 RECORDED

McClemm

Havana. May 18th 1883.

Form No. 3.

CABLE MESSAGE.

THE WESTERN UNION TELEGRAPH COMPANY.

All CABLE MESSAGES received for transmission must be written on the Message Blanks provided by this Company for that purpose, and are subject to the conditions printed thereon, and on the back hereof, which conditions have been agreed to by the sender of the following message.

THOS. T. ECKERT, General Manager. NORVIN GREEN, President.

NUMBER	SENT BY	REC'D BY	CHECK
44	Cnf	fo	40

Havana Goat

Washn D C May 18 1883.

Received at

To Davis State Department

Washn

Master of Nettie affirms signed first manifest supposing it correct absent from New York during loading signed second manifest at New York Custom House as handed him by Broker. Ignorant of Contents, Nettie still detained Cargo spoiling.

Badeau

RTMENT OF ST.
MAY
24
1883
RECEIVED

No. 138 Consulate General of the United States.

Havana May 18th 1883

Adam Badeau

to the Department of State.

Subject: Extradition of the so-called Westbrook and Northcote.-

---

Abstract of Contents

Inclosures.

No. 138 Consulate General of the United States.

Havana May 18th 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

Refering to my Despatch N° 137 May 17th inst relative to the Extradition of the individuals calling themselves Westbrook and Northcote, I have the honor to report that on the 17th inst the Agents of the President went before the Judge of the First Instance of the District of Pilar, and presented to him the documents on which the Extradition is claimed, and he now hold them for consideration.

I have the honor to be Sir.

Very respectfully
Your obedient servant
Adam Badeau
Consul General

DEPARTMENT OF STATE
MAY
21
1883
RECEIVED

1st & 2d Claim

Cuban tobacco is so different from any other that the importation of such a practice would be great,

No. 139 Consulate General of the United States.

Havana May 18th 1883

Adam Badeau

to the Department of State.

Subject: Alleged importation of Mexican cigars into the United States as Havana cigars.

Abstract of Contents.

Inclosures.

No. 139 Consulate General of the United States.

Havana May 18th 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir:

I have the honor to state that, in obedience to the instructions contained in your Despatch N° 36 of March 27th ult., I have made every attempt, directly or indirectly in my power, to investigate the subject of the exportation of cigars from Mexico via Havana to the United States, as Havana

cigars

cigars; but thus far I have
been unable to obtain any
information beyond that
I have already communicated
to the Department. The
parties upon whose statements
my original information was
based, although persons of importance
and character, are unwilling or
unable to authenticate their
representations, and I am not
at liberty to disclose their
names. It may not be amiss
to state that they are in some
instances persons whose business
interests might perhaps make
them partial witnesses. They
repeat their assertions, however,
and the belief appears to be
common

common here that cigars
manufactured in Mexico are
shipped at Vera Cruz, in the
manner described, on steamers
bound for the United States
via Havana; that the cigars
are not landed at Havana,
but arriving at New York by
Havana Steamers, are there ~~landed~~
and sold as Havana cigars

I have made diligent
enquiries, but can procure no
evidence whatever that they
are reinvoiced here. Still, if
this were done, it would be a
difficult matter to detect. An
invoice is declared by the owner,
shipper, or his duly authorized
Agent, as of goods manufactured
here

even
here; and, if the cigars are
sampled, the falsity would not
be apparent. I do not even
know that to demand sworn
invoices, as in England, would
remedy the matter; as those
engaged in the business would
probably not hesitate to swear
falsely, if they now declare so.)
Indeed, many of the declarers
seem to think that they swear
already, although of course no
improper representations on this
head are made at this office.

I regret very much that
I have thus far not been
more successful, but I shall
not desist from my efforts;
and if any discoveries are
made

made by the Consul at Vera Cruz, I beg to suggest that they be communicated to me, as they would doubtless assist me in my investigations.

I am Sir

Very respectfully

Your obedient servant

Adam Badeau

Consul General

To Spain 22 pr

DEPARTMENT OF STATE
MAY 24 1883
RECEIVED

Dft.
Mr. Blair

No. 140 Consulate General of the United States.

Havana May 19th 1883

Adam Badeau

to the Department of State.

Subject: Fines imposed on brg "Nettie" for alleged smuggling

Abstract of Contents

Inclosures.

No. 140 Consulate General of the United States.

Havana May 19th 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir:

Referring to my despatch N° 135 of May 17th inst relative to the fines imposed on the brig "Kettie" I have the honor to state that on the 17th inst some hours after sending my communication of that date to the Governor General I received a request from His Excellency to call upon him, and when I did so he informed me that he would direct a reconsideration of the case and that mean=while he had unformally instructed

instructed the Treasury
authorities to postpone further
steps in the matter, and
that I might count upon
a delay of at least ten
days; and, if I desired it,
a longer one would be
accorded. I stated that meanwhile the cargo was spoiling,
but he informed me that
he had no further authority.

On the 18th inst., I
received your telegraphic
despatch of that date, in
these words:

"Washington May 18th 1883

Badeau. Consul General

Havana

How does captain of "Nettie"
explain making making two
invoices: Is vessel still held.
Answer telegraph.

Davis."

To this I replied by telegraph
as follows:

"Davis

"Davis

State Department

Washington

Master of "Nettie" affirms signed first manifest supposing it correct. Absent from New York during loading. Signed second manifest at New York, Custom House, as handed him by broker, ignorant of contents – "Nettie" still detained. Cargo spoiling.

Badeau."

I beg to repeat that the points I have contended for are that the signing incorrect manifests, with whatever intention, was committed in New York, and therefore not

not punishable by Spanish
authority; and that a mere
intention never carried out
is not punisable by any
authority at all.

I have the honor to be Sir
Very respectfully
Your obedient servant
Adam Badeau
Consul General

Telegram.

Lee

RTMENT OF S.
MAY
23
1883
RECEIVED

Havana - May 22" 1883.

Form No. 3.

CABLE MESSAGE. 6-39 pm

THE WESTERN UNION TELEGRAPH COMPANY.

All **CABLE MESSAGES** received for transmission must be written on the Message Blanks provided by this Company for that purpose, under and subject to the conditions printed thereon, and on the back hereof, which conditions have been agreed to by the sender of the following message.

THOS. T. ECKERT, General Manager. NORVIN GREEN, President.

NUMBER	SENT BY	REC'D BY	CHECK
48 Bay	Off	von	12 Havana Govt

Received at Washington D.C. May 22 1883.

To Davis, State Department
Washington

Extradited prisoners on board
Newport, sail Thursday.

Badeau

No 53 Para 22 pm

Telegram

Ack & post. 76

W St Clair

Havana - May 22" 1883

RTMENT OF ST
MAY
22
1883
RECEIVED

Form No. 3.

CABLE MESSAGE

THE WESTERN UNION TELEGRAPH COMPANY.

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THOS. T. ECKERT, General Manager. NORVIN GREEN, President.

NUMBER	SENT BY	REC'D BY	CHECK
53	Hyon	H	Havana Govt

Received at Washn D C May 22 1883.

To May 22 Davis State Dept
Washington

Governor General suggests cargo of nettie in such condition immediate sale better for all parties I have consented proceedings against vessel suspended till your instructions arrive Please delay for my next despatch. Badeau

To Spain 22 June Telegram. Sent by post 76 mis claim

Havana- May 22nd 83

RTMENT OF S
MAY
23
1888
RECEIVED

Form No. 3.

CABLE MESSAGE.

THE WESTERN UNION TELEGRAPH COMPANY.

All CABLE MESSAGES received for transmission must be written on the Message Blanks provided by this Company for that purpose, under and subject to the conditions printed thereon, and on the back hereof, which conditions have been agreed to by the sender of the following message.

THOS. T. ECKERT, General Manager. NORVIN GREEN, President.

NUMBER	SENT BY	REC'D BY		CHECK	
450	mm	mr	57	Havana	Cout

Received at 446P May 22 1888.

To May 22 Davis

State Department Washn

Cargo of Nettie Discharged further proceeding suspended Consul at Cienfuegos telegraphs unable to give explanation of imperfections made by shippers in first manifest & Capt inferentially Master affirms they promised to pay fine incurred by absence of Consular Certificate from Second. I will forward all particulars attainable by next steamer

Baldeau

Sent him to Judge Conway 6/13.

Ans. as June 6/13.

DEPARTMENT OF STATE
MAY 28 1883
RECEIVED

D'H Clair

No. 141 Consulate General of the United States.

Havana May 23rd 1883

Adam Badeau

to the Department of State.

Subject: Extradition of the so-called Meatbrook and Northcote

---

Abstract of Contents.

Inclosures.

No. 141 Consulate General of the United States.

Havana May 23rd 1883

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

Referring to my Despatches
№ 138 of May 18th inst., and
to my previous ones on the
subject of the Extradition
of the individuals calling
themselves Westbrook and
Northcote, I have the honor
to report that on the 20th
inst., I received from the
Governor General a com-
munication, a copy and
translation

translation of which I
have the honor to enclose,
informing me of the action
of the Judge before whom
the accused were brought,
together with the notification
that orders had been given
for the delivery of the said
individuals. They were
accordingly so delivered at
my request by the Civil
Governor to Messrs Finck and
Mc. Laughlin, the duly
authorized agents of the
President, who at once
transferred them on board
the steamer New Port, where
they now are, awaiting
the departure of that vessel
on the

on the 24th inst.

I have the pleasure of reporting that the views of the Department have thus been entirely maintained, and its instructions fully carried out; the precedent being established that the representative of the United States makes his ap-
=plication in such cases to the Governor General, and not to any judicial authority; that he transacts all his business with that officer, who, when the Judge reports to him that the proofs are sufficient, issues the requisite orders for the Extradition of

the

the accused without any appearance of the Consul General before the Spanish Courts.

I have also the pleasure to report that, although a decided difference of opinion existed at first and for some time, in regard to the manner of proceedings, between the Spanish Authorities, both executive and judicial, and myself, there was constantly evidenced a hearty disposition on their part to perform their obligations in good faith; they even went

before

before hand in the matter,
arresting the fugitives before
any application was made
by me, detaining them
afterwards by the simple
exercise of Supreme
Authority, and delivering
them at last without any
formal request for extradition
from me; as well as
recognizing the force of the
Supplemental Treaty before
the official copy was
received. I have already
acknowledged this honorable
action and official courtesy,
but I shall be glad to receive
instructions to do so still
more formally and in
the

the name of my Government

I have the honor to be Sir

Very respectfully

Your obedient servant

Adam Badeau

Consul General

Inclosure N° 1
With Despatch N° 141
Letter from Governor General
to Consul General

El Sor Juez de Primera Instancia del Distrito del Pilar en communicacion fecha de hoy dice al Excmo Sor Gobernador General lo siguiente:

"Excmo Sor: Tengo el honor de remitir á V.E. copia certificada de la resolucion dictada en esta fecha en el expediente formado para tratar de la extradicion de los súbditos americanos Meyers Sanford B. Northcote y Wilson Westbrook, reclamada por

por el Gobierno de los Estados Unidos como acusados del delito de hurto á fin de que en su vista se sirva V.E., si lo tuviere á bien, dictar las ordenes correspondientes para que se lleve á efecto, rogandole se sirva acusar recibo."

Lo que de orden de S.E. y con inclusion de copia de la resolucion que se cita traslado á V.S. para los efectos de su cumplimiento, en la inteligencia de que se ha dado orden al Sor Gobernador Civil de esta Provincia para que entregue a V.S.

los

presos de que se trata y
efectos ocupados cuya ex-
tradicion se ha decretado
á fin de que esta se lleve
por V.S. á debido efecto
Dios gue á V.S. m.s a.s
Habana Mayo 2o de 1883
(signed) M. Diaz de la Quintana

Sr Consul General de los
Estados Unidos en esta Capital

Inclosure N° 1
With Despatch N° 141
Translation of Letter from
Governor General to Consul General

The Judge of the First
Instance of the District of
Pilar under this date says
to His Excellency the Governor
General as follows:

"Excellency: I have the
honor to transmit to Y. E
a certified copy of the resolution
decreed on this date in the
proceedings initiated for the
extradition of the American
citizens Messrs Sanford B
Northcote and Wilson West-
brook, claimed by the United
States

States Government as charged with embezzlement, so that in view thereof Y. E may be pleased, if thought proper, to issue orders to carry it into effect, requesting Y. E. to acknowledge the receipt."

Which, by His Excellency's orders, and enclosing a copy of the resolution decreed, I communicate to Your Honor, with the information that orders have been given to the Civil Governor of this Province to deliver to Your Honor the said prisoners, (with their effects seized) whose extradition has been decreed, that the same may be

carried

carried into effect by Your
Honor.

May God preserve Your Honor many years

Havana May 20th, 1883

signed M. Diaz delle Quintana

To the Consul General of the
United States

Inclosure N° 1
With Despatch N° 141
Decree of the Judge of
the First Instance of the
District of Pilar.

Hay un sello de oficio del
año actual y otro en tinta
azul que dice: Juzgado de Pri-
mera Instancia del distrito
del Pilar = Habana = Don Luis
Mazon y Rivero, Escribano de
actuaciones del Juzgado de
Primera Instancia del
distrito del Pilar = Certifico:
que en el expediente formado
para tratar de la extradi-
cion de los ciudadanos ame-
ricanos Mr. Wilson N. Westbrook
y Mr.

y Mr Sanford B. Northcote, soli-
citada por el Gobierno de
los Estados Unidos de America,
se ha dictado el fallo que á
la letra dice: = En la ciu-
dad de la Habana a veinte
de Mayo de mil ochocientos
ochenta y tres el Sor Don
Andres Angulo y Beer, Juez
de Primera Instancia acci-
dental del distrito del Pilar,
de esta Capital, habiendo
visto este expediente formado
para tratar de la extradi-
cion de los ciudadanos
americanos Mr. Sanford B.
Northcote y Mr. Wilson West-
brook, reclamada por el
Gobierno de los Estados Unidos
de

de América como acusados
del delito de hurto.= Resul-
tando, que á virtud de telé-
grama del Superintendente
de Policia de la ciudad de
New York, reclamando la de-
tencion de los subditos ame-
ricanos Mr. Sanford Northcote
y Mr. Wilson Westbrook, por
haber cometido un delito en
dicha ciudad, se expidió
órden á la autoridad corres-
pondiente en Nuevitas, punto
á donde se habian trasla-
dado aquellos desde esta
ciudad, y en efecto, fueron
detenidos en dicho lugar,
ocupándoles sus equipages
con los efectos y prendas que

se

se mencionan en el acta de
fojas diez y nueve y ademas á
Mr Northcote la suma de
trescientos cuatro pesos cincuen-
ta centavos en oro americano,
setenta y seis pesos en billetes
del Banco Americano tambien,
cuatro pesos ochenta y siete y
medio centavos en plata y
cincuenta centavos en mone-
das de cobre, y a Mr. Westbrook
setenta pesos en oro americano,
setenta centavos plata, once
en cobre y ciento veinte y sie-
te pesos en billetes del Banco
americano, manifestando este
último que solo le quedaban
para sus gastos veinte ó
treinta pesos los cuales su-
plicaba

plicaba se le dejaran para ese
objeto por no tener relaciones
en este pais, á lo cual se
accedió = Resultando que da-
da cuenta al Gobierno Gene-
ral con las diligencias prac-
ticadas en virtud de los te-
légramas recibidos, se dispu-
so por dicha Superior Autoridad,
de acuerdo con la Exma
Audiencia de este territorio se
pasase este expediente al Sor
Juez de Primera Instancia
Decano para que resolviese lo
que procediera en derecho
acerca de la extradicion
pretendida correspondiendo á
este Juzgado en turno = Re-
sultando, que reclamando
las

las pruebas de la culpabilidad de los acusados conforme á las prescripciones del tratado de extradicion vigente entre España y los Estados Unidos, comparecieron en este Juzgado oportunamente los Agentes del Gobierno Americano Mr. William E Frinck y Mr. Wm. Mc Laughlin, debidamente acreditado su carácter por medio del Sor Consul General de los Estados Unidos y de los nombramientos que exhibieron y entregaron con los demas documentos que se registran de fojas ochenta y cinco á la ciento veinte, documentos que traducidos

traducidos al Español por
el interprete de Gobierno se
registran igualmente de la
foja ciento veinte y una á
la ciento cincuenta y seis =
Resultando de las pruebas
presentadas por los referidos
agentes del Gobierno Americano;
Primero, el informe del
Gran Jurado de la ciudad
de New York, en el cual des-
pues de detallar el modo
y forma como se llevó á
cabo la defraudacion
acusó á William H Sinclair
y Samuel B Halliday como
culpables del delito de hurto
en cantidad mayor = Segun-
do la declaracion de Henry
Y. Robinson

Y. Robinson, miembro de la
Sociedad de Lang, Robinson
y Compañía en la que asegura que William H Sinclair
desde Febrero de mil ochocientos ochenta y dos hasta el
veinte y uno de Abril de mil
ochocientos ochenta y tres,
fué teneder de libros y cajero
de la casa de comercio
con el sueldo de mil quinientos pesos anuales, siendo su obligacion la de llevar
los libros de dicha Sociedad,
la cuenta del efectivo
recibido y la del dinero
depositado en el Banco
de la Compañía de Manhattan
en cuyo citado Banco la
dicha

dicha Sociedad tenía su
cuenta, y el depósito que
como tal cajero le estaba
confiado de todas las can-
tidades que recibía: que
el Samuel B. Halliday
era empleado tambien por
tres años de la casa en
concepto de vendedor con un
cincuenta por ciento de
utilidad en las ventas que
hiciera: que su deber
era solicitar y recibir órde-
nes para la venta y
compra de efectos, recibiendo
y cobrando las sumas
correspondientes á esa nego-
ciacion: que dicho Halliday
recomendó á Sinclair para
la

la colocacion, viniendo jun-
tos, y que el veinte y nue
de Abril ultimo se mar-
charon para esta ciudad
con nombres supuestos, lle-
vándose y apropiándose
la suma de mil pesos
por un lado, quinientos por
otro y diez mil mas todo
perteneciente á la expresada
sociedad. Tercero los docu-
mentos justificativos de
la fuga de dichos indivi-
duos y por último la foto-
grafía de los mismos
exhibidas por el gerente
de la casa ofendida,
Henry Robinson = Resultando
que habiendo manifestado
los

los agentes del Gobierno Americano que tambien conocian personalmente á los acusados, se dispuso los reconocieran, obteniéndose la completa identificacion de aquellos, y habiéndose presentado á estos las fotografias exhibidas adujeron que si bien aquellas eran de sus respectivas personas, no así los nombres de William H Sinclair y Samuel B Halliday que en las mismas se consignaban; y requeridos para que justificasen que no eran estos sus legíti-

mos

mvs nombres y si' los de
Sanford B. Northcote y Wilson
Westbrook dijeron que no
podian acreditar este
extremo por su falta de
relaciones en este pais=
Resultando que oido el Sor
Promotor Fiscal del Juzgado
ha pedido que teniendose
por bastantes las pruebas
presentadas y estando dicho
delito de que se acusa á
dichos ciudadanos ame-
ricanos comprendidos en
el Tratado vigente se declare
con lugar á la extradicion
de los mismos y= Consi-
derando que de todos los
antecedentes relacionados
se

se evidencia, que los indi-
viduos Mr. Wilson Westbrook
y Mr. Sanford B. Northcote ó
sean Mr. Samuel B. Halliday
y William A Sinclair, ha-
llandose colocados como
empleados asalariados en
la casa de comercio de
Lang, Robinson y Cª dis-
trajeron en distintas épo-
cas cantidades pertene-
cientes á aquella con de-
trimento ó en perjuicio
de sus principales, aban-
donando el destino y
refugiandose en esta Ca-
pital valiendose para
ello de pasaportes con los
nombres de Sanford Northcote
y Wilson

y Wilson Westbrook = Consi-
derando que estos hechos
segun el Codigo Español
vigente constituyen los de-
litos de hurto y estafa que
califica el tratado de ex-
tradicion entre España y
los Estados Unidos, en el
inciso trece articulo pri-
mero y segundo y en el
convenio adicional de mal-
versacion de caudales = Con-
siderando que la presun-
cion de culpabilidad de
los acusados se halla com-
probada no solo por la
declaracion del gerente
de la casa afendida é
informe del Gran Jurado
de

de New York; sino tambien
por los indicios graves y
concluyentes que se deriban
de los hechos probados de
haberse cambiado los
nombres, su fuga repen-
tina de aquella ciudad
y su detencion en esta con
la suma de dinero que
se les ha ocupado = Con-
siderando por ultimo que
en virtud de las razones
consignadas es de esti-
marse que existe fun-
damento legal bastante
para decretar desde luc-
go la extradicion de
aquellos = Vistos los artí-
culos quinientos treinta
y cinco

y cinco y quinientas cin-
cuenta y nueve del Codi-
go Penal, lo pedido por el
Sor Promotor Fiscal y el
Tratado de Extradicion cele-
brado con los Estados Unidos,
como tambien el convenio
adicional al mismo, dijo
Su Señoria que debia declarar
y declaraba = Primero: que
el delito por el cual son acu-
sados Mr. Samfor B. Northcote
y Mr. Wilson Westbrook ó
sean Mesrs. Samuel B Halliday
y Wilson Sinclair, está com-
prendido en el tratado de
extradicion vigente entre
España y los Estados Unidos
de America y segundo que
la

la culpabilidad de los
mismos como presuntos
autores responsables de
aquel, tambien se encuen-
tran probadas por las
razones que consignan en
el tercer considerando y
que fundado en estas ter-
minantes declaraciones
debia decretar y decretaba
haber lugar á la extradicion
que de los mismos se so
licita por el Gobierno de los
Estados Unidos y que deben
ser trasladados por lo tanto á
dicho punto con los objetos
que le fueron ocupados á
los efectos que procedan. Co-
muníquese esta resolucion
al

al Excmo Sr Gobernador
General acompañándose
al efecto copia certificada
de la misma á los fines
que corresponda y reser-
vese este expediente en la
Escribanía del actuario = Así
lo proveyó, mandó y firmó
S.S. ante mí de que doy fé. =
Andres Angulo = Luis Mazon =
Y en cumplimiento de lo
mandado expido la pre-
sente = Habana veinte de
Mayo de 1883 = Luis Mazon

Es copia

El Scrio del Gobno Gral

signed M. Diaz de la Quintana

Miscellaneous
Auction sales
No. 1 Draw on Dept.
Authority to draw on Dept.
We will collect from N.Y.
June 6/83.

DEPARTMENT OF STATE
MAY
28
1883
RECEIVED

D. H. Clair

No. 1 Consulate General of the United States.

Havana May 23rd 1883

Adam Badeau

to the Department of State.

Subject: Forwarding bills of expenses on the extradition of the so-called Westbrook and Northcote

Abstract of Contents

Inclosures.

No. 142 Consulate General of the United States.

Havana May 23rd 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

Referring to my Despatch N° 141 of this date, relative to the Extradition of the 2 individuals calling themselves Westbrook and Northcote, I have the honor to present 1/ the communication of the Judge before whom the said prisoners were examined, transmitting the costs of the Interpreter, Notary, and the other charges of said proceedings under the XIIIth article of the Supplemental Treaty of April 1883; these

costs

costs and charges being "the customary fees for the acts and services performed by the said officers in the same manner and to the same amount as though such acts or services had been performed in ordinary criminal proceedings under the laws of "Cuba", and the said "officers so giving assistance receiving in the usual course of their duty no salary or compensation other than specific" fees for services performed.

I have also the honor to transmit the following bill of expenses for telegrafic messages and cab hire, incurred in this matter by the officers and employés of this Consulate General.

With reference to the item for cab hire I desire to say that

that the errands and visits to the Governor General, the Jail, the Judge, the Civil Governor, and other offices and officials, have been numerous and continuous for nearly two weeks, and that in this climate, it is quite out of the question to perform such duties without the use of hired vehicles.

I have also the honor to transmit several other bills presented to me in this matter, that of the physician who attended one of the prisoners while in jail, and that for passage on the steamer from Curaçao.

As I have no instructions

in regard to the payment of such expenses, although they were unavoidable, I present them at the present time, instead of with my usual accounts.

I have the honor to be, Sir,

Your obedient servant

Adam Badeau

Consul General.

Rec.d May 22/83

Enclosure No 1
with dispatch No 142
Havana May 23/83.

OFICIO A.s 1882 x 83 — 4.568.149 — 5 C. DE PESO

JUZGADO DE 1.A INST.A DEL DIST.O DEL PILAR — HABANA

ESCRIBANIA DE ACTUACIONES DE DON LUIS MAZON JUZGADO DE 1.a INSTANCIA DEL DISTRITO DEL PILAR

Tengo el grato en acompañar a V.S. copia certificada de las costas causadas en el expediente formado para tratar de la extradicion de los subditos americanos Mr Wilson Westbrook y Sandford. Hartcott, a los fines que se indican en el contenido trece del convenio adicional al tratado de extradicion celebrado entre España y los Estados Unidos de America.

D.s V.S

gue a V.S. mi mas al
bana Mayo 22 de 88

Andrés Arguelles

Sr Consul General
de los Estados Unidos
en esta Plaza ——

JUZGADO DE 1ª INSTª DEL DISTº DEL PILAR
HABANA

OFICIO Aº 1882 y 83
05 C. DE PESO

N. 4.568.147

D. Luis Mazon y Rivero Escribano del Juzgado de Primera Instancia del Distrito del Pilar de estas Ciudad.

Doy fé: que á fojas ciento se
senta y dos del expediente instruido
para tratar de la estradicion de los Ciu
dadanos Americanos Alfo Wilson
Westbrook y Sanford B. Sorthi
cott, solicitada por el Gobierno
de los Estados Unidos de Ame
rica, y que por ante mí Cursa
en este Juzgado se halla la
tasacion de Costas causadas en
el mismo que copiada á la
letra á Cont. sigue ——

ESCRIBANIA DE ACTUACIONES
DE
DON LUIS MAZON
JUZGADO DE 1ª INSTANCIA
DEL
DISTRITO DEL PILAR

Tasación de Costas de estos autos desde foja primera, á la Ciento setenta y una inclusive

ORO

	Pesos	Cts
Al Dr Cecilio Aguabella Interprete de Gobierno sus derechos	238.	"
Al Escribano D Manuel Pinos sus derechos	3.	"
A la Real Hacienda diferencia de papel	94.	12.
Al Escribano D Luis Hagon sus derechos	129.	97.
Al Tasador sus derechos	22.	50.
Suma:	487.	59.

S. Y. C. = Habana Mayo Veinte y dos de 1883 = Lcdo. Francisco Mª Mato. = Rubricado =

En cumplimiento de lo dispuesto para remitir con oficio

#



N. 4.568.148.

al Sor Consul General de los
Estados Unidos dice la presen
te. Habana Mayo Veinte y dos
de mil ochocientos ochenta y tres.

Luis Abazon

B.

Compania Telegrafica Internacional Oceanica.

ESTACION DE LE HABANA.

El telegrama No. 72 de este dia

para New York Walling

importa $ 7 — oro.

fra " 2.23

$ 4,77

5 de Mayo 1882

M. Albiña

Amr. Consul — El Contador.

B.

Compania Telegrafica Internacional Oceanica.

ESTACION DE LE HABANA.

El telegrama No. 71 de este dia

para Washington State Department

importa $ 11 — oro.

fra " 3.19

$ 7,81

5 de Mayo 1882

M. Albiña

Amr. Consul — El Contador.

B.

Compania Telegrafica Internacional Oceanica.

ESTACION DE LE HABANA.

El telegrama No. 72 de este dia

para Washington State Department

importa $ 4.50 — oro.

fra " 1.75

$ 2.75

10 de Mayo 1882

M. Albiña

Amr Consul — El Contador.

B.

Compania Telegrafica Internacional Oceanica.

Duplicado

ESTACION DE LE HABANA.

El telegrama No. 91 de este dia

ara Washington State Department

importa $ 23.50 — oro.

fra " 6.19

$ 17.31

11 de Mayo 1882

M. Albiña

Amr. Consul — El Contador.

B.

Compania Telegrafica Internacional Oceanica.

ESTACION DE LE HABANA.

El telegrama No. 9 de este dia

para New York

importa $ 14.00 oro.

free — " 3.91

$ 10.09

1º de Mayo 1882

M Caraballo

El Contador

B.

Compania Telegrafica Internacional Oceanica.

ESTACION DE LE HABANA.

El telegrama No. 40 de este dia

para N. York Walling —

importa $ 5.50 oro.

free " 1.87

$ 3.63

1º de Mayo 1882.

Amer. Consul

M. Ulzina

El Contador.

B.

Compania Telegrafica Internacional Oceanica.

ESTACION DE LE HABANA.

El telegrama No. 64 de este dia

para N. York Walling —

importa $ 8.50 oro.

free " 2.59

$ 5.91

2 de Mayo 1882.

Amer. Consul

M. Ulzina

El Contador.

B.

Compania Telegrafica Internacional Oceanica.

ESTACION DE LE HABANA.

El telegrama No. 27 de este dia

para New York

importa $ 12 50 oro.

free " 3 55

$ 8.95

5 de Mayo 1882.

Am. Cons.

C Echarte

El Contador.



N. 4.568.150

B.

Compania Telegrafica Internacional Oceanica.

ESTACION DE LE HABANA.

El telegrama No. 83 de este dia

para Washington State Departm.t

importa $ 10.00 oro.

Free 2.95

x 7.05

12 de Mayo 1882.

M Caballo

El Contador.

B.

Compania Telegrafica Internacional Oceanica.

ESTACION DE LE HABANA.

El telegrama No. 87 de este dia

para Washington Davis

importa $ 6.00 oro.

Frank 1.99

x 4.01

12 de Mayo 1882.

Am. Consul

M Caballo

El Contador.

NEAS CAMPO

ISION CONSIGNATARIA

DE LA

HABANA.

L NEAS-CAMPO
COMISION
Consignataria.
DE LA HABANA

Memorandum.

Habana 24 de Mayo de 1883.

A

Recibi de los Sres

cantidad de doce pesos en oro, importe de dos pasages en
de Guerrilas á la Habana por el vapor Ebro de los Sres Wilson
Hook y S. B Northcote, llegados el dia 3 del corte.

p/p. del Marqués de Campo.

Julio Navarro

Habana May 23d 1883

Mr Northcote alias "F.B. Halliday"

To D. M. BURGESS, M D., Dr.

To Professional Services rendered

Fifteen dollars

$ 15.
Gold

Received Payment.

D M Burgess

Imp. Spencer, Empedrado 10.

Extradition of S. B. Northcote and Wilson Westbrook alias Samuel B Halliday, and William H. Sinclair

To

the U. S. Consulate General

at Havana

For the following expenses incurred on account of above:

Telegrams

May	1	To	Police. New York	$	10 09 ✓	
"	"	"	"	"	3 63 ✓	
"	2	"	"	"	5 91 ✓	
"	5	"	"	"	8 95 ✓	
"	"	"	"	"	4 77 ✓	
"	5	"	Dept of State	"	7 81 ✓	
"	10	"	"	"	2 75 ✓	
"	11	"	"	"	17 31 ✓	
"	12	"	"	"	7 05 ✓	
"	22	"	"	"	4 01 ✓	72 28 ✓
"		Paid Dr Burgess bill for professional visits to S. B Northcote - (Halliday)		"	✓ 15 -	
"		Paid sundry cab. hires telegram messenger, &c &c all expended on account of above parties		"	✓ 28 50	
		And this amount is equivalent at 87½ of Exch: to american gold -		Pesos	$ 116 78	
					$ 101	

Havana May 23rd 1883

Adam Badeau
U.S. Consul General

U.S.

To Chair 22 Jun

DEPARTMENT OF STATE
MAY 28 1883
RECEIVED

Ltr. 41 - A
A.H. Clair

No 141 Consulate General of the United States.

Asst. Sec. Mr. Hunter 29/83. May

Havana May 23rd 1883

Adam Badeau
to the Department of State.

Subject: Fines imposed on the brig "Nettie"

Abstract of Contents

Inclosures.

No. 1113 Consulate General of the United States.

Havana May 23rd 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

Referring to my Despatch N° 1140 of May 19th inst., relative to the fines imposed on the brig "Nettie" for alleged smuggling, I have the honor to report that on the 21st inst I received your telegraphic despatch of that date in these words:

"Washington Government

May 21st. 1883

Badeau Consul General

Havana

Your telegram of the eighteenth not satisfactory; clear and full explanation of the cause of

imperfections

imperfections in the first manifest and of the absence of the Consular certificate from the second will be expected: ask for a suspension of proceedings until this information can reach here.

Davis."

Upon receipt of this I telegraphed to the Consul at Cienfuegos as follows:

"American Consul
Cienfuegos

Department wishes clear and full explanations of the cause of the imperfections in the first manifest and of the absence of the Consular certificate from the second.

Badeau"

On the 22nd I telegraphed again to the Consul at Cienfuegos in these words:

"American Consul
Cienfuegos

Answer

answer to my telegram of
yesterday. required to forward
to State Department.

"Badeau."

To this I received the following
reply:

"American Consul General

Havana

Unable to give explanations of
imperfections made by shippers
in first manifest except
inferentially: master affirms
they promised to pay fine incurred
by absence of Consular certificate
from record: wrote you yesterday

Pierce."

Upon receipt of this I telegraphed
as follows on the 22nd inst to the
Department.

"Davis

"Davis

State Department

Washington

Cargo of "Nettie" discharged. Further proceedings suspended. Consul at Cienfuegos telegraphs unable to give explanations of imperfections made by shippers in first manifest except inferentially. Master affirms they promised to pay fine incurred by absence of consular certificate from second. I will forward all particulars attainable by next steamer

Badeau"

I have also this day, May 23rd, received a letter from the

the Consul at Cienfuegos,
enclosing a communication
addressed to me by the master
1/ of the "Nettie", and a copy of
a declaration made by one
of the charterers of said vessel,
copies of all of which are
enclosed.

I have also the honor to
2/ enclose copies of the original
protest of the master made
at Cienfuegos, and of a letter
3/ of the Consul to me of April
23rd ult, and of an extract
4/ from another of April 19th;
5/ also copies of the manifests.

These documents contain
all that I have been able to
discover in regard to the cause

of

of the imperfections in the first manifest and of the absence of the Consular certificate from the second.

The Department has not asked for my opinions or inferences, but it may not be amiss to state that I have never doubted the original intention to smuggle. Whether this existed with the master, or with the shippers only, I have no means of ascertaining; but the great discrepancies between the manifests can be accounted for only on the supposition of such intent.

What, however, I have argued for with the authorities here, has

has not been the absence of such intent, but that no one had ever attempted to carry it out; that the false swearing, if such there was, occurred in New York, and could only be punished there; and that the subsequent irregularity of presenting an unsised manifest was punished by the imposition of a fine at Cienfuegos, by which act the Spanish authorities accepted the second manifest, and were precluded from any further punitory proceedings.

The long delay, the considerations and decisions, are all proofs that they felt

the force of this reasoning.
as ~~which~~ has indeed been
admitted to me frequently
by the Governor General in
conversation, as freely as I
have stated to him my own
conviction that an original
intention to smuggle existed.
I have constantly argued
that the Cienfuegos authorities
made a great mistake
in imposing the fine of
$500; and his Excellency has
within twenty four hours I
informed me that he thought
he should be obliged after all
to refer the matter to Madrid

In my last interview,
he having previously consented

to

to postpone action until I
received written instructions,
he stated, what I also knew
from other sources, that the
cargo was absolutely spoiling;
and, as I telegraphed to the
Department, he suggested
that an immediate sale
would be better for all
concerned. To this I consented,
on condition that all other
proceedings should be suspended
until I could communicate
with my Government and
receive its instructions.

In this condition the
matter now stands, and
if the Department takes
the view maintained by me,

and

and which in private is
that of every one with whom
I have conversed - that, whatever
the original intention, the
act of smuggling was not
even attempted, and that the
only offence against the
Spanish law has already
been punished - I am confident
that this position will be
eventually
~~evidently~~ admitted by the
highest Spanish authorities;
and if so, all the proceedings
of the Treasury officials, since
the imposition of the original
fine, must be acknowledged
to have been high handed and
unwarranted

Meanwhile, the Consul

at Cienfuegos has written me that the authorities there wished him to strike the flag of the "Nettie," but he maintained that the vessel was still an American ship. I have telegraphed him to day "Keep the flag flying."

I am Sir

Very respectfully
Your obedient servant
Adam Badeau
Consul General

Inclosure No. 1 to
With Despatch No. 1.
Havana May 23d. 1883.
Copy.

U. S. Consulate.
Cienfuegos May 21/83

Hon. Adam Badeau
U. S. Consul Genl.
Havana.

Sir: -

I have the honor to enclose a communication addressed to you by Mr. Wm. Mackay master of the brig "Nettie," and also copy of a declaration of Benjamin Olds of New York responsive to questions from the court of First Instance, of this city, in reply to your telegram of

of this date.

I have the honor to be
Very respectfully
Your obedient servant.
(signed) W. P. Pierce.
U. S. Consul.

Cienfuegos, Mon. May 21st/88.

To Hon Adam Badeau
U.S. Consul General, Havana.

Sir:-

At the request of Hon. W. P. Pierce, U. S. Consul at this port, I wish to make the following statement in regard to the charter and clearance of brig "Nettie," from New York, bound for this port. On the 20th of February, the "Nettie" was chartered to Mysrs Odio & Perozo, merchants

merchants of New York, to carry
a cargo of lawful merchandise in
hogsheads to Cienfuegos, Cuba. On
the charter being concluded, I had
the vessel hauled to the berth de-
signated by charterers for loading,
and then proceeded to my home
in Massachusetts, where I remained
until notified that the vessel was
loaded and ready for sea. On
Monday March 5th I arrived in
New York, and on the same day
I cleared the vessel from the custom
house, signing clearance papers as
usual without taking notice of
contents. On Tuesday March 6th
I signed a manifest at the Spanish
Consulate, supposing it was a cor-
rect manifest of the vessels cargo.

On

On signing the bills of lading at the shippers, I said that they differed greatly from the manifest I had signed at the Spanish Consulate, so I protested against them and asked for an explanation. After some consultation they furnished me with a correct copy of manifest according to bills of lading, assuring me that I could present it at Cienfuegos and be subjected to a fine which they would be responsible for, and on this assurance I proceeded on my voyage, and on arrival at this port, I gave the customs officials the correct manifest of the cargo, according to the bill of lading. This is a plain statement of the facts regarding the manifest.

Very Respectfully

Very Respectfully
Your obedient servant
(signed) Wm. Mackay
Master of Brig "Nettie"

Memorandum of Commission
from Don Amador Rodriguez y
Rodriguez, Judge of First Instance
of Cienfuegos, dated April 17. 1883,
in the matter of the criminal cause
pursued against Mr William Mackay.
Captain of the Brigantine "Nettie"
native of the State of Massachusetts
and resident of Lowell in said
nationality for the crime of Fraud,
in which said Judge accorded that
the declaration of Odio & Perozo be
received about the following particulars.

First About his name, place of birth vicinage and also the general questions of the law.

Second If in the month of February ultimo they chartered the Brigantine "Nettie" in order to carry on board of her a lot of hogsheads containing merchandise, and if so stating what the same were.

Third To what point was the said bark bound, and what were the documents that they delivered to the Captain.

Fourth If it was understood with said Mr William Mackay and they told him that said merchandise was of lawful commerce.

Fifth If they delivered to the said

said Mr Mackay a manifest visid by the Spanish Consul and the Bills of Lading assuring him that they contained all the legal requisites. ---

Sixth If Mr William Mackay noticing a difference between the manifest and the Bills of Lading with reference to the cargo made the consequent protests, and it took place that after the declarants had consulted among themselves they delivered to him a second manifest which they then made, and in which the true cargo was expressed, telling him that he could start on his voyage with that document and that in any case they would answer

for

for any responsibility that might occur, whether or not this second manifest was by said Mackay.

Seventh If the Brig or her cargo came consigned to any merchant of this city, and if so, to designate him.

—Answers—

1st Benjamin Odio, one of the general partners of the firm doing business in this city under the name of Odio and Perozo, a citizen of the United States, born in Cuba, residing in New York city, and that he has no legal impediment to act as witness in this matter.

2d That his firm did charter

in

in the month of February ultimo the Brigantine "Nettie" in order to carry on board of her a cargo of Hogsheads containing merchandise to wit. Lard, Butter, Hams, Bacon, Tobacco, Coal, Flour and Paper, and also a lot of Shooks and Hoops.

3d. The vessel was bound to Cienfuegos, Cuba, and the Bills of Lading and a list of the cargo were delivered to the Captain.

4th. All of the merchandise shipped was of lawful commerce, and this fact may have been mentioned to the Captain, but he does not remember any particular conversation about it.

5th. That they delivered to the

Captain

Captain the Bill of Lading
as before stated, but it was not
their province to procure the
manifest vised by the Spanish
Consul.

6th That at the time the Bills
of Lading were presented to the
Captain for his signature, he
informed deponent that he could
not sign them because they
did not agree with his manifest,
whereupon deponent caused one
of his clerks to make out a full
and correct statement of the
cargo ~~specifying~~ the Marks, num-
bers and number of the package,
and the contents the gross weight
and the value thereof, which
statement was handed to the

captain

captain. That the latter expressed doubts as to the correctness of the papers, but he was assured that he could sign the Bills of Lading without hesitation, as the statement handed him was a correct one in every respect, and that they guaranteed the correctness of the same as he would find it upon his discharge at destination. Upon this explanation the Captain signed the Bills of Lading; but deponent does not know whether he signed the list of the cargo above mentioned or not.

7th That he does not know who the vessel was consigned to at Cienfuegos, as his firm were simply charterers of this one trip, and

that

that the cargo was consigned to order.

Inclosure N° 2

With Despatch N° 143

Protest of the Captain

of the brig "Nettie".

United States Consulate

Cienfuegos March 31st. 1883

Hon: Edwardo M. Cadrana

Collector of Customs

Cienfuegos

Sir:

William Mackey, master of the American brig "Nettie", now in this port from New York, personally appears at this Consulate and states that when about to depart from New York with said vessel, his ship broker handed him

a

a manifest visaed by the
Spanish Consul, and that
he, the said master, after-
wards noticing that it did
not conform to the bills of
lading he signed, called
attention of the shipper to
said non conformity, whereupon
they told him (the master)
that it made no difference,
that he could destoy the visaed
manifest and make one
himself in conformity to
the bills of lading. He
states that he did so, and
upon his arrival at this
port he filed with the Custom
Officers the correct manifest
he had compleled and not
the

the incorrect one that the
Spanish Consul had visaed.
He states that the manifest
he has filed at the Custom
House represents the cargo of
his vessel correctly in every
respect so far as he knows
or has been able to ascertain.

The said master
further states that he has
chartered his said vessel to
proceed to Jamaica with
his said vessel and cargo, but
that the Custom Authorities
of the port require him to
discharge his said cargo
before allowing him to proceed
thither; and that Custom
Officers (unaccompanied by the
United

United States Consul, have
sealed the hatches of his
vessel and left two officers
on board of her in this port.
Wherefore the said master
protests, and I as Consul
of the United States join with
him in protesting, against
said requirement or any other requirement, of the Custom
Office or other person or persons
which will cause the said
master or his said vessel
delay or inconvenience in the
performance of his proposed
voyage to Jamaica. And I
also join the said master in
protesting against the
imposition upon him or
his said vessel of all and
any

any fines that may have
resulted from any errors or
irregularities in his manifest
or other wise, which he did
not perpetrate or authorize
and made no effort to take
advantage of. He states that
he handed the manifest to
the Custom House Officer who
boarded the vessel on her
arrival, before he consulted
or had any opportunity of
consulting the consignee.

In testimony whereof the
said master respectfully signs
his name, and I grant this
public instrument under
my official seal and signature
and respectfully submit it
to the

to the Honorable Collector
of Customs.

(signed) Wm Mackey
Master of Amn Brig "Det-ke"

(signed) Wm P. Pierce
U. S. Consul.

Inclosure No 3
With Despatch No 143
Letter from Consul at
Cienfuegos to Consul General.

U. S. Consulate

Cienfuegos April 23rd. 1883

Hon Adam Badeau

U. S. Consul General

Sir:

Your telegram of this day in relation to the brig "Nettie" is received and in addition to the telegram I have just sent you I beg to state that I am unable to give any more of the material fact of the case than I have already furnished; and as the motives

of the

of the authorities I can only
repeat what I wrote in
my first letter (April 12th)
that the action against
the master is far
and little short of persecution

The following I trust
may present the case in
a more satisfactory and
unteligible manner.

William Mackey Esq.,
master of the American
brig "Nettie" chartered his
vessel to bring a cargo of
merchandise from New York
to Cienfuegos. Before sailing
from New York he signed and
delivered an incorrect
manifest to the Spanish
Consul

Consul at that city – Mackey affirms, however, that he was not aware at the time that the manifest was incorrect, that he was absent from the city during the loading of the vessel, and although he signed another and different manifest at the New York Custom House he signed it without knowing its contents. He affirms that on discovering the incorrectness of the manifest visaed by the Spanish Consul he called attention of the shippers (Odio & Perozo) to the same and they gave him a correct manifest telling him he could

could use that, that he would only be subjected to a fine for the want of the Consular visa upon it which they would pay. Mr. Mackey states that with this understanding he proceeded on his voyage to this port. On arriving at this port he handed the correct manifest to the boarding officer properly signed by himself but not signed by the Spanish Consul. If Mr Mackey has been guilty of any act directly or indirectly wrongful to any extent other than signing and delivering the incorrect manifest to the Spanish Consul I am not aware of it; and if he

he has been accused of any other wrongful act I am not aware of it.

The manifest he delivered here was not visaed by the Spanish Consul and for the want of this visa he was fined $500.00/100 which he promptly paid.

The Inspector of Custom from this province claimed the right to discharge the cargo and bring it under the operations of the Spanish visaed manifest whereby he would be able to impose heavy fines for descrepancies between the manifest and the cargo and I contested

his

his right to discharge the cargo against the will of the master and insisted upon the despatch of the vessel to Jamaica. Although he plainly asserted in a letter to me that he would proceed to discharge the vessel on the following day he changed his mind and after passing several letters he a Junta administrativa which determined that the master was guilty of a defraudament under the Custom House Regulations (referring especially to articles 135 paragraph 2nd Chapter 3rd)

This Junta, it seems, was

was a sort of for indict-
ment and they certified the
charge of fraud against the
master for trial at two
different places and before
two different Tribunals
to wit: the Direccion General
de Hacienda at Havana
and the Judge of the First
Instance at Cienfuegos.

When the Junta took
this action I thought the
matter would come to
an speedy end. I could
not see how the authorities
at Havana or the Judge
of the Court could hesitate
in according to the United
States exclusive jurisdiction
over

over an act committed in the United States, and in no wise affecting any Spanish interest.

The Inspector seemed to consider my right to clear the vessel but imposed such conditions to its execution as to defeat the right. He asked me to get a merchant to act as consignee but this I could not do as much as it was understood that the consignee would have to assume heavy liabilities; he (the Inspector) then offered to let me clear the vessel provided I would give a bond for all liabilities that accrued

accrued against the vessel
to be adjudicated by the Spanish
Authorities. This was substantially
a repetition of his proposition - But
so well was I satisfied that the
master was in no way liable
to the Spanish Government
that I proposed to try to give
the bond provided the liabilities
would not accrue under it
till after the Secretary of
State of the United States and
the Secretary of State of Spain
agreed that it was a subject
matter within the jurisdiction
of the Spanish Tribunals. My
proposition was not accepted,
but the Junta was soon
there after convened in the

the

the result stated

I have omitted to state that I went in person with the master to the Custom House to sign the papers but was unable to do so for the reasons stated

I have the honor to be

Your obedient servant

(signed) Wm P Pierce

U. S. Consul)

Inclosure N° 47.

With Despatch N° 143 Extract from Letter from Consul at Cienfuegos to Consul General.-

---

U. S. Consulate

Cienfuegos April 19th. 1883.

Hon Adam Badeau

U. S. Consul General

Havana

Sir: x xx xx x xxxxxxxxx

Mr Mackay affirms that he signed the manifest at the Spanish Consul under the impression that it correctly represented his cargo (He having been absent from the city during the loading of

of the vessel) and signed the
conflicting manifest at
the New York Custom House
as it was handed to him
by his broker without
knowing its contents

I have the honor to be
Very respectfully
Your obedient servant
(signed) Wm P. Pierce
U.S. Consul

SPANISH MANIFEST.

wth 143

Inclosure No 5 — 143 ?

with Despatch No "136"

Manifest of Brig "Nettie"

Report and Manifest of the Cargo laden at the Port of New York on board the Am Brig "N

Mackay Master, bound for Cienfuegos. Cuba. con

5?/100 five hundred and two & fifty eight Tons Hundredths 19 Nine Crew.

MARKS.	NUMBERS.	No. of Packages.	PACKAGES AND CONTENTS.	QUANTITY.	SHIPPERS.	CONS
" mark	428/432	5	Five Hogsheads Hams	3126 Ks	Odin & Perezo	C
	433/440	8	Eight Hogsheads Bacon	4842 Ks	"	
	442/456	15	Fifteen Hogsheads Tobacco	7416 Ks	"	
	509/514	6	Six Hogsheads butter in tins	3933 Ks	"	
H	1-10 515/524	20	Twenty Hogsheads Cumberland coal	16.740 Ks	"	
" mark	457/476	20	Twenty Hogsheads Lard in tins	10.440 Ks	"	
	477/492	16	Sixteen Hogsheads Lard in tins	9180 Ks	"	
	497/506	10	Ten Hogsheads Lard in tins	5513 Ks	"	
	493/496	4	Four Hogsheads Lard in tins	2295 Ks	"	
	"/410	400	Four Hundred Kegs Flour & Straw paper	23.0940 Ks	"	
	530		Five Hundred & Thirty bundles Sugar Shooks			
	106		One Hundred & six bundles Heads for same	42.930 Ks	"	
	190		One Hundred & Seventy bundles			
			with (8500) Eighty five hundred Hoops	7650 Ks	"	
	40		Forty tins slime Ballast	40.000	W. Mackay	W.

Note. Mr Pierce

Sir. This is a correct copy of manifest

of Brig "Nettie". cleared at Cienfuegos. with the

exception that the gross quantity in Kilos is not

expressed in writing. and there is some slight immaterial differences

in the printed heading

Wm Mackay

Wm

E 143 ?

Nathan Lane's Sons, Printers and Stationers, 148 Pearl St. N. Y.

On board the Am Brig "Nellie"

Cienfuegos. Cuba. consigned to Order

March 1883

SHIPPERS.	CONSIGNEES.	VALUE.
Odio & Perujo	Order	$ 950
"	"	950
"	"	1740.
"	"	1360
"	"	90
"	"	1620
"	"	1410
"	"	1020
"	"	340
"	"	11.000
"	"	1190
"	"	320
W. Mackay	W. Mackay	

William Mackay

fferences
ntil heading

1/2 manifiesto español

Copia.

Manifiesto de la carga embarcada en el Puerto de Nueva York á bordo del de Nueva York, su Capitan William Packay, con destino á Cienfuegos, Cuba, consignado [illegible] toneladas y 5/8 americana, nueve tripulantes.- Sin pasageros.

Nueva York 1/2 Marzo de

Observaciones.	Marcas.	Números.	Núm.º de Bultos.	Bultos y contenidos.	Kilos enumerados.	Kilos en bruto por escrito.	Cargador
	FI	1/504	504	Quinientos cuatro barriles, Carbon Cumberland,	29H.425	Dos cientos noventa y cuatro mil, cuatrocientos veinte y cinco kilos	Odio y [illegible]
		530		Quinientos treinta atados paquetes de duelas para azucar	42.930	Cuarenta y dos mil, novecientos treinta kilos	
		106		Ciento seis atados fondos para las mismas			"
		170		Ciento setenta mazos con 8.500 ocho mil quinientos aros	7.650	Siete mil seiscientos cincuenta kilos	"
		40		Cuarenta toneladas de lastre de piedras para uso del buque	40.000	Cuarenta mil kilos	William [illegible]

Es copia del Original firmado por el Capitan William Packay que queda depositado en este Consulado General de mi cargo. Nueva York catorce de Marzo de mil ochocientos ochenta de España. Alejandro de Viniegra. Hay una rubrica. Hay un sello que dice "Consulado General Nueva York = "Barcos" cancelado - vale - = Certifico que lo que antecede es traduccion fiel del ingles que he rubricado. Habana 21 de Marzo de 1883 = El Interprete de Gobierno. = Certifico que dice - "Interpretacion pública y de Gobierno. Habana, = Cienfuegos 21 de Marzo de 1883 = Es fiel de que una cita documento al expediente de su razon para los efectos [illegible] Es copia exacta y fiel del manifiesto que obra en esta Aduana

V.º B.º

Eduardo Bardon

Bardon

ADMINISTRACION LOCAL DE ADUANA CIENFUEGOS

Carlos Sancho

de Nueva York á bordo del Bergantin americano "Hettie"
á Cienfuegos, Cuba, consignado á la órden, de guinientas diez
ageros.

Nueva York 1º Marzo mil de 1893.

Kilos en bruto por escrito.	Cargadores.	Consignatarios	Valores.
os cientos noventa y cuatro mil, cua	Odio y Pereyra	a la órden	2.300'00
cientos treinta y cinco kilos			
uarenta y dos mil, cuatrocien			
os treinta kilos			
	" "	"	1.000'00
iete mil cientos cincuen			
ta kilos	" "	"	320'00
Cuarenta mil kilos	William Parkay	William Parkay	Intrinsic value
			$ 3.620'00

Parkay que queda depositado en el Archivo de la Cancillería de
de 1º Marzo de mil ochocientos noventa y tres. El Cónsul General
Hay un sello que dice "Consulado General de España en Nueva
Que antecede es traducción fiel y literal de su original en
= El Intérprete de Gobierno. = Cecilio Aguilera, Hay un sello
a, = Cienfuegos 1º de Marzo de 1893 = á Contaduría
su razon para los efectos oportunos. = Cadraza. —
ipuesto que obra en esta Contaduría.

Carlos Saurez

ADUANA LOCAL DE ADUANA
FUEGOS

Copia

Copia del manifiesto del Bergantin americano "Nettie" con destino á Cienfuegos, Cuba.
Nueva Yor

Marcas	Numeros	Bultos y contenidos.	Cantidad Galones &c.
H. 501/514	"	Seis boeyes mantequilla en latas.	6358 lb
" 451/496	"	Cincuenta boeyes Manteca de puerco, en latas.	36.121 "
" 434/441	(8)	Ocho boeyes tocineta	8.881
" 422/456	"	Quince boeyes Tabaco manufacturado	10.212
" 1/20	"	Veinte boeyes Carbon	15 to
" 21/40	"	Cuatrocientos boeyes harina de trigo y papel de paja.	400 Sacos har 5600 Resmas p
.....	"	Quinientos treinta paquetes de duelas con sus fondos.	.....
.....	"	Ciento Setenta mazos de arcos	8.500
H. 428/423	"	Cinco boeyes jamones.	5.979 lb

Es Copia fiel. = Vopo. =

Firmado: F. F. B. = ...

Firmad .....

Es Copia de la que existe en mi poder, y me ha entregado debidamente legalizada d de la Aduana de este puerto, del Manifiesto de Salida que juró y firmó Mackey. ..... El Cónsul General de España. Hipólito de Uriarte. Hay un "Consulado" General de España en Nueva York." = ...

Certifico que lo que antecede es traduccion fiel y literal de su original en inglés que che 1883. = El Interprete de Gobierno. = Cecilio Aguabella. = Hay una rubrica. = d con Publica y de Gobierno de la Habana. = Cienfuegos 31 Marzo 1883. = A bo documento al expediente de su razon para los efectos oportunos. = Cadrana. = H

Es copia exacta y fiel del manifiesto que obra en esta Co

Eduardo Cardenas Cardenas

ADMINISTRACION LOCAL DE ADUANA CIENFUEGOS

E Sancho

destino á Cienfuegos, Cuba.

Nueva York Marzo cinco de 1883.

	Cantidades libras, Galones, &c.	Nº 1. Valor de mercancias domesticas	Para descargar en.....
	6358 lbs.	$ 1.375.-	Cienfuegos
as.	36.121 "	4545.-	— " —
	8.881 "	954.-	— " —
	10.212 "	1750.-	— " —
	15 Tons.	83.-	— " —
el de paja.	400 Sacos harina	10.650.-	
n sus fondos.	5600 Resmas papel	1.000.-	— " —
	.....	1200.-	— " —
	8.500	323.-	— " —
	5.979 lbs.	956.-	— " —

E. F. B. = Firmado: William Mackey.

do debidamente legalizada el Secretario del Real Administrador de Salida que juró y firmó en mi oficina el Capitan William Hipólito de Uriarte. Hay una rubrica. Hay un sello que dice. =

de su original en inglés que he rubricado. Habana, Marzo 21. de abella. = Hay una rubrica. = Hay un sello que dice. = Interpreta- uegos 31 Marzo 1883. = A Contaduria a fin de que una este efecto oportuno. = Cadrana. = Hay una rubrica.

manifiesto que obra en esta Contaduria

Ack. and file awaiting further telegrams. ads

To Navy 22 June

DEPARTMENT OF STATE MAY 28 1883 RECEIVED

Ack. Translate & file acct. 16

D.H. Clark

No. 1444 Consulate General of the United States.

Havana May 23rd 1883

Adam Badeau

to the Department of State.

Subject: Inclosing an article of the "Triunfo" newspaper referring to fines on ~~[redacted]~~ the Nettie

Abstract of Contents

1 Inclosures.

No. 144 Consulate General of the United States.

Havana May 23rd 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

Referring to my Despatch N° 143 of this date I have the honor to enclose two copies of an article in the "Triunfo" newspaper of this city, of date May 22nd. inst. relative to the action of the Cuban authorities towards the American brig "Nettie" the master of which is accused of smuggling.

I am Sir: very respectfully

Your obedient servant

Adam Badeau

Consul General

Inclosure N°1
With Despatch N° 144
Article from "El Triunfo"
newspaper of May 22nd inst.

EL SECUESTRO DEL "NETTIE."

Excitada nuestra curiosidad por las vagas noticias que han circulado acerca de lo ocurrido con el bergantin detenido en Cienfuegos, hemos pedido informes de aquella plaza, y se nos han proporcionado los siguientes, que creémos fidedignos.

El bergantin americano *Nettie*, que procedente de New York fondeó en Cienfuegos el dia 31 de Marzo, con cargamento general á la órden, y en el acto de pasar la visita de fondeo, su capitan entregó el manifiesto, exacto y conforme con el conocimiento y la carga que conduce. Dicho documento fué admitido por la Aduana, pero por no traer la firma del Cónsul se le impuso al capitan la multa de 500 pesos, que pagó el 2 de Abril.

A las dos horas de fondeado se presentó á bordo el Jefe Económico de Santa Clara, Sr. Arrieta; mandó sellar las escotillas, estacionó allí dos carabineros, pidió auxilio al Capitan de Puerto para que los cañoneros impidieran la salida, y remitió un oficio al Administrador, diciéndole que el citado buque conducia un importante contrabando, que él habia apresado.

Sin pérdida de tiempo el Sr. Arrieta abrió expediente, manifestando que él poseia copia de otro manifiesto firmado por el capitan ante el Cónsul español, el que haría prevalecer para el reconocimiento del despacho. En esta sazon el consignatario se dirigió á la Aduana para informarse de lo que ocurria, y el Sr. Arrieta le manifestó que daría un castigo ejemplar á los autores de aquel fraude, que rematarían cargamento, buque, etc. etc. El consignatario, viendo anunciados tantos rigores, y no conociendo el límite de la responsabilidad que podia caberle, tuvo por conveniente no admitir la consignacion, de conformidad con el art. 147 de las Ordenanzas.

Aquel mismo dia el Sr. Arrieta ofició al Cónsul americano previniéndole que ordenase al capitan que nombrase consignatario para entenderse con aquella Aduana, y sin pérdida de tiempo, el Cónsul fué personalmente á informarse de lo ocurrido, y procurando evitar un atropello, pidió el despacho del bergantin para Jamaica, antes de las cuarenta y ocho horas, peticion que le fué negada verbalmente y por escrito, aunque acompañada de una protesta.

A los cuatro dias contestó el Sr. Arrieta que no habia inconveniente en despachar el buque siempre y cuando un comerciante

matriculado lo efectuase, y que respondiera á las resultas del expediente. El Cónsul designó á varios comerciantes, y ninguno quiso admitir la consignacion: ofició de nuevo, manifestando esta circunstancia, y que para evitar perjuicios, se ofrecia á despacharlo él mismo. Le contestaron aceptando su propuesta, pero exigiéndole nuevamente la firma de un comerciante matriculado que garantizara al Cónsul las responsabilidades que resultaren del expediente, lo que no pudo conseguirse.

El comerciante que habia renunciado la consignacion, con fecha 7 telegrafió al Sr. Director General de Hacienda, diciéndole que si ordenaba el despacho bajo la base del manifiesto presentado por el capitan, aceptaría la consignacion, entraría á consumo su cargamento y el Tesoro ingresaría $16,000, que aproximadamente importan los derechos; y de lo contrario, que el buque saldría para Jamaica. El mismo dia contestó el Sr. Director diciendo que por correo se remitian instrucciones al Jefe Económico, sobre el despacho del *Nettie*, pero al preguntarse á dicho Jefe sobre el asunto, dijo que eran reservadas sus instrucciones, agregando que si estas ó las otras que en adelante recibiera fuesen contrarias á lo hecho antes de cumplimentarlas, quemaría las credenciales. Aquel mismo dia reunió la Junta Administrativa, y sin descargar el buque ni reconocer el cargamento, ni proceder á su avalúo, segun previene el artículo 137, se acordó que habia incurrido aquel en el delito de defraudacion que designa el art. 135, inciso 3°., penable por el 116; es decir, que por haber el capitan declarado la verdad y presentado un manifiesto exacto, se le castiga, como si el buque hubiese llegado y descargado sin presentar ninguna documentacion. Pero continuemos la relacion. A los catorce dias de entrado el buque se presentó el Jefe Económico á la Direccion General de Hacienda y entregó el expediente, que fué tramitado con brevedad por los Jefes de Seccion y Abogado consultor. Ambos informaron desaprobando todo lo hecho y estimando que la única pena aplicable al caso era la multa de los $500, que ya habia pagado el capitan. En este estado transcurrieron algunos dias, con graves perjuicios para el cargamento, pues se comprende fácilmente lo que pierden las provisiones á bordo. El dia 28, el Sr. Director falló aprobando todo lo hecho por la Junta Administrativa de Cienfuegos. El capitan, por medio del Cónsul, ha protestado contra este fallo, mas sin embargo, el dia 7 del corriente, la Aduana pasó una comunicacion al primero, previniéndole que si en el término de tres dias no habia satisfecho la suma de $41,282-19, se procederia al remate del cargamento y buque. El Cónsul protestó nuevamente, y el dia 12 se procedió al embargo. El capitan izó la bandera con el propósito de recojerla y abandonar el buque antes que sancionar el secuestro.

El dia 13 fué atracado el bergantin al muelle de los Sres. Avilés y Leblanch, por órden del Capitan del Puerto, habiéndose negado á tomar parte en la operacion el capitan del buque y los tripulantes. El 14 comenzó á hacerse la descarga, con gente de tierra, pues la de abordo, apesar del jornal de dos pesos que se les ofreció, no quiso prestarse á cooperar.

El buque continuó aquel dia con su bandera izada, aunque el Sr. Arrieta ofició al Cónsul para que ordenara que se arriase.

Hasta aquí llegan nuestras últimas noticias.

Inclosure N° 1

With Despatch N° 144

Article from "El Triunfo"

newspaper of May 22nd. inst.

EL SECUESTRO DEL "NETTIE."

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El comerciante [illegible] habia renunciado la consignacion, con fecha 7 telegrafió al Sr. Director General de Hacienda, diciéndole que si ordenaba el despacho bajo la base del manifiesto presentado por el capitan, aceptaría la consignacion, entraría á consumo su cargamento y el Tesoro ingresaría $16,000, que aproximadamente importan los derechos; y de lo contrario, que el buque saldría para Jamaica. El mismo dia contestó el Sr. Director diciendo que por correo se remitian instrucciones al Jefe Económico, sobre el despacho del *Nettie*, pero al preguntarse á dicho Jefe sobre el asunto, dijo que eran reservadas sus instrucciones, agregando que si estas ó las otras que en adelante recibiera fuesen contrarias á lo hecho antes de cumplimentarlas, quemaría las credenciales. Aquel mismo dia reunió la Junta Administrativa, y sin descargar el buque ni reconocer el cargamento, ni proceder á su avalúo, segun previene el artículo 137, se acordó que habia incurrido aquel en el delito de defraudacion que designa el art. 135, inciso 3°., penable por el 116; es decir, que por haber el capitan declarado la verdad y presentado un manifiesto exacto, se le castiga, como si el buque hubiese llegado y descargado sin presentar ninguna documentacion. Pero continuemos la relacion. A los catorce dias de entrado el buque se presentó el Jefe Económico á la Direccion General de Hacienda y entregó el expediente, que fué tramitado con brevedad por los Jefes de Seccion y Abogado consultor. Ambos informaron desaprobando todo lo hecho y estimando que la única pena aplicable al caso era la multa de los $500, que ya habia pagado el capitan. En este estado transcurrieron algunos dias, con graves perjuicios para el cargamento, pues se comprende fácilmente lo que pierden las provisiones á bordo. El dia 28, el Sr. Director falló aprobando todo lo hecho por la Junta Administrativa de Cienfuegos. El capitan, por medio del Cónsul, ha protestado contra este fallo, mas sin embargo, el dia 7 del corriente, la Aduana pasó una comunicacion al primero, previniéndole que si en el término de tres dias no habia satisfecho la suma de $41,282-19, se procederia al remate del cargamento y buque. El Cónsul protestó nuevamente, y el dia 12 se procedió al embargo. El capitan izó la bandera con el propósito de recojerla y abandonar el buque antes que sancionar el secuestro.

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Hasta aquí llegan nuestras últimas noticias.

The Seizure of the Nettie.

Our curiosity having been excited by the vague rumors which have been in circulation relative to the case of the brig seized at Cienfuegos, we have written to that place for information, and have received the following, which we believe to be reliable:

The American brig Nettie, from New York, anchored in the port of Cienfuegos on the 31st of March with a cargo of general merchandise to order, and when the custom house officers made their visit, her captain hand-

ed them his manifest, which was correct and in agreement with the bills of lading and with the cargo which he had on board. The manifest was accepted at the custom house, but, as it had not been signed by the Consul, the captain was fined $500, which fine he paid on the 2d of April.

Two hours after the brig had cast anchor, Mr. Arrieta, the chief fiscal officer of Santa Clara, appeared on board; he ordered the hatches to be closed and sealed, placed two carabineers on board, requested the Captain

of the Port to order fire to be opened on the brig in case of her attempting to leave the port, and sent an officer to the Collector, informing him that the Nettie had a large quantity of smuggled goods on board, which he had seized.

Mr. Arrieta at once prepared charges against the vessel, stating that he had in his possession a copy of another manifest signed by the captain before the Spanish Consul, and that he would produce this as evidence of the vessel's legal clearance. — The consignee hereupon visited the custom house in order

to find out what was going on, and Mr. Arrieta told him that he meant to teach the parties who had been guilty of that fraud a severe lesson, that he proposed to have the vessel and cargo sold at public auction, etc, etc. The consignee, hearing that such severe measures were to be taken, and not knowing how far he might be held responsible, concluded not to receive the consignment, in accordance with art. 147 of the Ordinances.

On the same day Mr. Arrieta wrote to the American Consul, requesting him to order the Captain to name a consignee to make the necessary arrangements with the Custom House, and the Consul immediately made inquiry as to what had taken place, and, ~~++~~ seeking to avoid a difficulty, requested that the brig might be cleared for Jamaica in less than 48 hours, which request was refused, both verbally and in writing, although it was accompanied with a protest.

Four days afterwards Mr. Arrieta replied that he had

no

no objection to the clearance of the vessel, whenever this should be done by a matriculated merchant. The Consul designated several merchants, not one of whom was willing to accept the consignment; he again wrote, stating the circumstances, and for the avoidance of damages, he offered to clear it himself. His proposal was accepted, but he was again required to procure the signature of a matriculated merchant who would be responsible for any penalty that might be imposed, which was found to be impossible.

The original consignee,

who

who had refused to accept the consignment, telegraphed on the 7th to the Director General of Finance, saying that if he ordered the clearance on the basis of the manifest presented by the Captain, he would accept the consignment, and would have the cargo discharged, and the Treasury should receive 16,000 dollars which was about the amount of the duties; otherwise the vessel would sail for Jamaica. The Director General replied on the same day, saying that instructions had been sent to the principal Fiscal Officer relative to the clearance of the "Pettie"

"Nettie", but, on inquiry being made of that officer, he said that his instructions were secret, adding that if they, or such others as he might receive in future, should direct him to undo what he had done, he would turn his certificate of appointment. On that same day he called a meeting of the Administrative Junta (Board) and without discharging the vessel or examining the cargo, or appraising it, as provided by article 137, it was decided that the vessel had been guilty of the crime of defrauding designated in article 135, the

punishment

punishment of which is provided in article 116, that is to say, that because the Captain had declared the tenth and presented a correct manifest, he was to be punished as if the vessel had arrived and discharged her cargo without presenting any papers whatever. However, let us continue the narrative. Fourteen days after the vessel had entered the port, the principal Fiscal Officer visited the office of the Director General of Finance, delivering the expediente, which was attended to without delay by the Chiefs of Bureau, and by the consulting Advocate. Both parties

presented

presented reports, in which they disapproved of all that had been done, and declared their opinion that the only penalty applicable to the case was the fine of $500 which had already been paid by the Captain. Thus several days passed, to the great injury of the cargo, for every one knows how provisions are injured by being kept on board. On the 28th, the Director General rendered his decision, in which he approved of what had been done by the Administrative Junta of Cienfuegos. The Captain has protested against this decision —

through

through the American Consul, yet on the 7th instant, the Custom house sent a communication to the Captain, informing him that if, at the expiration of three days, he had not paid the sum of $41,282.19, the vessel and cargo would be sold at public auction. The Consul again protested, and the vessel was seized on the 12th. The Captain hoisted his flag for the purpose of furling it and abandoning his vessel rather than consent to the seizure.

On the 13th, the Brig was brought to the wharf of Messrs. Aviles and Leblanch by order

order of the Captain of the port, her Captain and crew having refused to take part in her removal. The discharge was begun on the 14th, landsmen being employed to do the work, since the seamen were unwilling to have anything to do with it, although two dollars a day were offered to them. The vessel remained that day with her flag hoisted, although Mr. Arrieta notified the Captain to order it to be lowered.

The foregoing is all the information that we have up to date.

DEPARTMENT OF STATE
MAY
28
1883
RECEIVED

Desp. Clements

No 145 Consulate General of the United States.

Havana May 24th 1883

Adam Badeau

to the Department of State.

Subject: Acknowledging receipt of Despatches Nos 47 of May 16th & 18th inst.

Abstract of Contents

Inclosures.

No. 145 Consulate General of the United States.

Havana May 21st 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

I have the honor to report my receipt of your two despatches No 47, one dated May 16th and the other May 18th inst., the former announcing that two reams of despatch paper have been forwarded me, which has this day been received; and the latter acknowledging my No 105, and approving my attempt to procure the information on which the order relative to the Inspection of Hog's Lard was based.

I have

I have the honor to be Sir
Very respectfully
Your obedient servant
Edmund Burke
Consul General

To Mr. Davis 22 pm

DEPARTMENT OF STATE
MAY
28
1883
RECEIVED

Ltr 76

D'H Clair

No 146 Consulate General of the United States.

Havana May 24 1883

Adam Badeau

to the Department of State.

Subject: Transmitting copy of letter from Consul at Cienfuegos, regarding brig "Nettie."

Abstract of Contents

One Inclosure.

No 146. Consulate General of the United States.

Havana May 24 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington

D. C.

Sir.

Referring to my Despatch No 144 "relative to the brig "Nettie" I have the honor to enclose 1/ a copy of a communication I have this day received from the Consul at Cienfuegos.

I am Sir

Very Respectfully

Your Obedient Servant

Adam Badeau

Consul General.

Inclosure No. 1 — 146

With Despatch No. 1

Havana May 24, 1883.

Copy

United States Consulate,

Cienfuegos May 22/83.

Hon. Adam Badeau.

U. S. Consul General,

Havana.

Sir:

Your telegram of yesterday was received late in the afternoon, and I forthwith obtained a statement from the master (Mackay) of the brig "Nettie," and enclosed it to you together with a declaration purporting to be from one of the shippers of the cargo,

(Benj Odis)

(Benj Pdo) which was left at this Consulate some days since by Mr Cardona.

The authorities have finished unloading the vessel but have not yet advertised the sale.

The Inspector seems inclined to stand by the original estimate of $41.282½. It is so ridiculously incorrect, however, that I hardly think he will have the cheek to stick to it. A considerable part of the cargo has been greatly reduced in value by its long confinement in the hold of the vessel. All the hams have been condemned by the health officer, and thrown away.

Whenever

Whenever they take difinitive
action against the vessel I will
write or telegraph you at once.

I have the honor to be

Very respectfully

Your most obt. servt.

(signed) W. P. Pierce U. S. Consul.

P. S.

Your telegram of to day
has been received since writing
this letter, and I just telegraphed
you as follows:-

"Unable to give explanation
of imperfections made by shippers
in first manifest, except inferentially.
Master affirms they promised to
pay fine incurred by absence of
Consular certificate from second."

Would

Would have telegraphed sooner had I thought you desired it.

Of course the inferences from the facts which I have already submitted in my several communications to the Consulate General tend to establish collusion between Cardona Hartasanchas & Co, merchants of this city, and Odio & Perosa, merchant of New York.

(signed) Respt. W. P. P.

DEPARTMENT OF STATE
MAY
31
1883
RECEIVED

D.H. claim

No 147 Consulate General of the United States.

Havana May 25 1883

To Mr. Brown 14 June

Adam Badeau

to the Department of State.

Subject: Inspection of Hogs Land

Abstract of Contents

1 Inclosures.

No. 147 Consulate General of the United States.

Havana May 25th 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

Referring to your Despatch
N°40 of April 18th inst.
I have the honor to report
that immediately upon its
receipt I addressed the
Governor General in compliance
with your orders, making
further inquiries as to the
reason for his order relative
to the Inspection of Hogs land
imported into Cuba from
the United States, and have
this day received a reply,
a copy of which with
translation is enclosed

I am

I am Sir
Very respectfully
Your obedient servant
Adam Bacceau
Consul General

List of Inclosures
1 Letter from Governor General
to Consul General with
translation.—

Inclosure N° 1
With Despatch N° 147
Letter to Governor General
to Consul General

En contestacion á la grata carta oficial de V.S. de 26 del mes próximo pasado, relativa á los motivos en que está basada la órden por la que se dispone la inspeccion de la manteca que se importa en esta Isla procedente de los Estados Unidos, tengo el honor de manifestar á V.S. de orden del Exmo Sõr Gobernador General, que en el decreto circular de este Centro gubernativo fecha 1° de Abril próximo pasado, inserto

inserto en la Gaceta oficial
de 4 del mismo, se consignan
claramente las razones que
se han tenido para disponer
dicha inspeccion, sin que
con posterioridad haya ocurri-
do sobre este asunto ningun
otro incidente digno de
mencion; debiendo por tanto,
hacer presente á V.S. que
si el Gobierno de los Estados
Unidos desea enterarse de
determinados pormenores
relativos á la inspection
de la manteca, puede, si
así lo estima conveniente, di-
rijirse al Excmo Sor Minis-
tro de España en Washington,
que tiene conocimiento detallado
de

de cuanto en sustancia se
expresa en la repetida circular
de 1º de Abril.

Todo lo que de orden de
S. E. tengo el honor de comu-
nicar á V.S. para su cono-
cimiento

Dios guarde á V.S. mu-
chos años.

Habana 19 Mayo de 1883

(signed) M. Diaz de la Quintana

Sor Consul General de los
Estados Unidos.-

Habana

Inclosure N° 1
With Despatch N° 147.

Translation of Letter from Governor General to Consul General.-

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In answer to Your Honor's official letter of last month relative to the motives on which the order for the Inspection of land imported into this Island from the United States is based, I have the honor to inform Your Honor, by order of His Excellency the Governor General that, in the circular-decree of this Government, dated 1st of April ult., published in the Official Gazette of the

4 thereof

4th of said month; the reasons
for ordering said Inspection
are clearly expressed; and
nothing has since occurred
in the matter worthy of
mention; informing Your
Honor that if the Government
of the United States wishes
to become thoroughly acquainted
with the particulars relative
to the Inspection of land, it
can, if thought convenient,
address itself to His Excellency
the Spanish Minister at
Washington, who has detailed
information of what in
substance is declared in
the afore said circular of
April 1st.

All

All of which, by His Excellency's orders I have the honor to communicate to Your Honor for your information.

May God preserve Your Honor many years.

Havana May 19th. 1883

(signed) M. Diaz dela Quintana

To the United States Consul General at Havana

Exp No. 3.

CABLE MESSAGE.

THE WESTERN UNION TELEGRAPH COMPANY.

All CABLE MESSAGES received for transmission must be written on the Message Blanks provided by this Company for that purpose, under and subject to the conditions printed thereon, and on the back hereof, which conditions have been agreed to by the sender of the following message.

THOS. T. ECKERT, General Manager. NORVIN GREEN, President.

NUMBER	SENT BY	REC'D BY		CHECK
459	cr	mx	Havana 29	Cant

Received at 410 May 29 1888.

To Davis. 4 N

State Dept Washn

Divorce will be granted in Silvera case unless you intervene See my dispatch hundred sixteen Silvera Claims not liable to Spanish law of divorce

Badeau

No 459

3 Inclos

No Claim
22 June

DEPARTMENT OF STATE
JUN 5 1883
RECEIVED

D'Z Claim

No. 148 Consulate General of the United States.

Havana May 31st 1883

Adam Badeau
to the Department of State.

Subject: Fines imposed on the Am^n brig "Nettie" for alleged smuggling

3 Inclosures

No 148 Consulate General of the United States

Havana May 31st 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

I have the honor to report my receipt of your Despatch N° 52 of May 23rd inst., and referring to my own N° 143 of the same date, as well as to Despatches N°s 70 and 71 of May 24th, of the Consul at Cienfuegos, with enclosures, I beg to say that I have no further information in regard to the original intention of the Master or shippers of the "Nettie"; but that, as I have heretofore stated, the question has never been discussed between myself and the Governor

General

General. It has been the right of the Spanish Authorities to punish after they had accepted the second manifest, and their right to punish at all for an intention, or for an act committed in the territory of the United States, that has been at issue.

My views on this subject have already been laid before the Department, and I am confident that, if the Department will direct me to make the request, the Governor General will at least refer the question to his Government and postpone any further action until its views are known. Very grave differences of opinion have certainly existed here as to the propriety of the action of the Treasury, and I have been assured that its Chief was legally advised by those to whom he

he referred the subject, against the course which he pursued.

I have the honor to enclose

1/3 copies of a correspondence between the Governor General and myself which has occurred since the date of my Despatch N° 143 of May 23rd inst from which it will be observed that although H. E., on the date of my communication of May 17th, sent for me, and, of his own motion, promised to postpone any action in the mater of the "Kettie" until I could receive instructions (a step which he had previously, May 11th, declared impossible for him to take); and although he only modified his promise so as to sell the cargo, which he declared was spoiling, when I consented to such modification, basing my

consent

consent in part upon H. E's
statements - he yet declined
to carry out his original
promise when the information
on which my acquiescence
was based was found to be
imperfect; and this refusal
was made under the
pretext that sufficient time
did not remain to order a
suspension of the sale; my
application being made the
day before that appointed
for the sale, and it being
that H. E should order the
suspension by telegraph.

I have the honor to invite
attention to the particularly
courteous terms in which my
unsuccessful application
was couched, and to the more
decided language of the
letter which produced a
promise that the postponement
should be made that had

previously

previously being pronounced
impracticable.

I have the honor to be Sir
Very respectfully
Your obedient servant
Adam Badeau
Consul General

List of Inclosures
N°1 Letter from Consul General to
Governor General
N°2. Letter from Governor General to
Consul General with
translation
N°3. Letter from Consul General
to Governor General

Inclosure No. 1
With Despatch No. 148
Letter from Consul General to
Governor General.

Havana May 28th, 1883

To His Excellency
The Governor General
Excellency.

With reference to Y. E's promise made to me on the 21st of May inst., to suspend all further proceedings in the case of the "Nettie" until I could hear from Washington, I have the honor to state that I immediately telegraphed this promise to my Government as well as my subsequent interview with Y. E. on the 22nd inst, the result of which was a modification of said order so that the cargo should be sold to prevent further deterioration, as better for all parties, to which modification I agreed. I have

now

now the honor to state that I am to-day informed by the Consul at Cienfuegos that there is no danger of deterioration of any of the cargo, with the exception of flour and hams; but that the remainder, consisting of butter, lard, paper, coal, tobacco, and cooperage, is open to the circulation of air under a dry shed, and that there is no danger of further damage by delay to hear from Washington, or, if necessary, Madrid.

In view of the grave questions of authority involved in this case, and of the wide difference of opinion which I am informed exists in high legal circles here as to the propriety of the action taken by the Treasury— and in accordance with the friendly spirit of accommodation so often manifested by Y.E— in accordance especially, with Y.E's

original

original promise and intention, modified subsequently with my acquiescence, which acquiescence was based on imperfect information — — I have now the honor to request Y.E. to order a suspension of the sale of the cargo of the "Bethe," with the exception of the perishable portion — which consists exclusively of flour and hams, the remaining portion, amounting to nearly or quite one half of the value of the cargo — to remain unsold.

As the sale is appointed for to-morrow, the 29th May, I hope Y.E. will have the goodness to telegraph instructions to the Custom Authorities at Cienfuegos in accordance with this request, a compliance with which, will, I am confident, be looked upon by my Government as an evidence of Y.E's desire to treat with delicacy and dignity.

dignity a matter involving
principles of so much consequence
between two friendly nations.

Y. E. will of coarse perceive
that no different principle is
involved in the sale of the cargo
from that of the vessel, so that
by delaying, Y. E's action will
simply continue, as originally
proposed, the courteous deference
already in part extended to a
foreign Government.

I have the honor to be
Y. E.'s most obedient servant
(signed) Adam Badeau
Consul General

Inclosure Nº 2
With Despatch Nº 148
Letter from Governor General
to Consul General.

Sõr Consul General de los
Estados Unidos de America.

Muy estimado Sr mio y amigo:

El Sr General me encarga haga á vd presente, como tengo el gusto de verificarlo, que siendo mañana la subasta de los efectos del "Nettie" no queda tiempo para modificar lo acordado por la Direccion General de Hacienda; y ademas, no es posible suspender el acto por ser público y notorio el señalamiento. Que, sin embargo, ha llamado al Director, porque sabe vd con cuanto gusto desea complacer á vd en todo lo que le interesa

Se reitera de vd.
afectisimo amigo y SS.
q. b.

q. b. s. m

(signed) Mariano Diaz de la Quintana

28 Mayo/83

Inclosure N° 2
With Despatch N° 148
Translation of letter from
Governor General to Consul General.

To the Consul General of
the United States of America.
My esteemed Sir and friend,

The Governor General directs
me to call your attention, as
I have the pleasure to do, to the
fact that the sale of the cargo
of the "Nettie" being appointed for
to-morrow, there is not time to
modify what has been decreed
by the Direction General of Finance;
and besides, that it is not possible
to suspend the act, as the designation
is a notorious and public one.
But notwithstanding he has
called the Director, as you know
what pleasure he takes in
pleasing you in whatever
interests you

I remain Sir

Yours

Yours truly

(signed) Mariano Diaz dela Quintana

May 28th. 1883.

Inclosure N° 3
With Despatch N° 148
Letter from Consul General to Governor General.

Havana May 29th, 1883.

His Excellency
The Governor General
Excellency:

I have the honor to acknowledge the receipt of Y E's communication of May 28th. inst., and to state that my Government will learn with regret that Y.E. declined to telegraph to Cienfuegos to suspend the sale of the cargo of the "Nettie", when it was ascertained that half of said cargo was not spoiling and that therefore the ground upon which I acquieced in a modification of Y. E's promise of the 22nd inst., was not what I then supposed.

I have the honor to be

Y. E's

Y. E's

Most obedient servant

(signed) Adam Badeau

Consul General)

DEPARTMENT OF STATE
JUN
5
1883
RECEIVED

No receipt
recd. in A. B.
Dft Clair

No. 149 Consulate General of the United States.

Havana May 31st 1883.

Adam Badeau

to the Department of State.

Subject: Acknowledging receipt of Despatch No 51 from the Department and enclosing a receipt of the Holocryptic Code and Cipher of the Department

1 Inclosures

No 149 Consulate General of the United States

Havana May 31st 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

I have the honor to report my receipt of your Despatch No. 51 of May 22nd inst., and of a copy transmitted therewith, of the cipher of the Department No 26, accompanied by a copy of the Holocryptic Code. The instructions accompanying are carefully noted, and as required, the receipt enclosed is filled up, and returned to the the Department

I have the honor to be Sir

Very respectfully

Your

Your obedient servant

Allen Sadler

Consul General

List of inclosures

1 Receipt of Consul General of the Holocryptic Code and Cipher of the Department. Done in Duplicate.

Dr Sbeclair

RTMENT OF S
JUN
5
1883
RECEIVED

No. 150 Consulate General of the United States.

Havana May 31st 1883

Adam Badeau

to the Department of State.

Subject: Acknowledging receipt of despatch Nr 49 from the Department.

Inclosures

No 150 Consulate General of the United States

Havana May 31st 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

I have the honor to report my receipt of your Despatch No. 49 of May 22nd inst., enclosing copy of Despatch N° 200 from the Legation of the United States at Madrid, the same enclosing correspondence from the Ministerof State stating that the tonnage dues exacted of the "Ellie Knight" at Havana, cannot be reduced

I am Sir

Your obedient servant

Adam Badeau

Consul General

DEPARTMENT OF STATE
JUN 5 1883
RECEIVED

D. H. Clair

No. 151 Consulate General of the United States.

Havana May 31st 1883

Adam Badeau
to the Department of State.

Subject: Enclosing three copies of circular issued to consular officer of this jurisdiction

1 Inclosures

No 151 Consulate General of the United States

Havana May 31st 1883.

To the Honorable

John Davis.

Assistant Secretary of State

Washington.

D. C.

Sir.

I have the honor to enclose
/ three copies of a circular
I have this day issued to the
Consular Officers in this
jurisdiction in order to facilitate
my compliance with the instructions
contained in Paragraph 556
of Consular Regulations

I am Sir

Very respectfully

Your obedient servant

Fitzhugh Dawkins

Consul General

List of Inclosures

N° 1.– Three copies of circular

Consulate General of the United States

Havana May 30 1883.

Sir

I have to call attention to Paragraphs 555 and 556 of Consular Regulations, and to state that in accordance with their provisions I propose to prepare a report upon the trade and industry of this Island during the last calendar year. I will thank you to forward the prescribed returns from your district at the earliest practicable date, so that the Regulation as to time, may be promptly complied with

I will thank you in addition to the report on general trade to furnish me with a statement of the amount of official fees received at your office during the past year; as also the amount received especially for invoices, together with a statement of the principal character of any other official business transacted by you.

I shall also be glad to receive any remarks upon the trade of your district with the United States during the year 1882, especially with reference to its increase or diminution and the causes of the same; as well as any observations upon the agricultural or mineral resources or industry of the district in general.

I am Sir

Very respectfully,

Your obedient servant,

Adam Badeau

Consul General.

Inclosures

Consulate General of the United States

Havana May 30 1883.

Sir

I have to call attention to Paragraphs 555 and 556 of Consular Regulations, and to state that in accordance with their provisions I propose to prepare a report upon the trade and industry of this Island during the last calendar year. I will thank you to forward the prescribed returns from your district at the earliest practicable date, so that the Regulation as to time, may be promptly complied with

I will thank you in addition to the report on general trade to furnish me with a statement of the amount of official fees received at your office during the past year; as also the amount received especially for invoices, together with a statement of the principal character of any other official business transacted by you.

I shall also be glad to receive any remarks upon the trade of your district with the United States during the year 1882, especially with reference to its increase or diminution and the causes of the same; as well as any observations upon the agricultural or mineral resources or industry of the district in general.

I am Sir

Very respectfully,

Your obedient servant,

Adam Ballen

Consul General.

Inclosures

Consulate General of the United States

Havana May 30 1883.

Sir

I have to call attention to Paragraphs 555 and 556 of Consular Regulations, and to state that in accordance with their provisions I propose to prepare a report upon the trade and industry of this Island during the last calendar year. I will thank you to forward the prescribed returns from your district at the earliest practicable date, so that the Regulation as to time, may be promptly complied with

I will thank you in addition to the report on general trade to furnish me with a statement of the amount of official fees received at your office during the past year; as also the amount received especially for invoices, together with a statement of the principal character of any other official business transacted by you.

I shall also be glad to receive any remarks upon the trade of your district with the United States during the year 1882, especially with reference to its increase or diminution and the causes of the same; as well as any observations upon the agricultural or mineral resources or industry of the district in general.

I am Sir

Very respectfully,

Your obedient servant,

Adam Badeau

Consul General.

Inclosures

D'St Clair

RTMENT OF S.
JUN
5
1883
RECEIVED

No. 152 Consulate General of the United States.

Havana May 31st 1883

Adam Badeau
to the Department of State.

Subject: Acknowledging receipt of circular of May 2nd inst list of Custom districts, Ports of Entry and Delivery and Custom Stations and a circular of the Treasury dated April 30th. 1883.

Inclosures

No 152 Consulate General of the United States

Havana May 31st 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

I have the honor to report my receipt of the Department circular of May 2nd inst., inclosing one of the Treasury dated April 23rd ultimo, in relation to the fraudulent increase of costs and charges on invoices, with a view of diminishing the dutiable value there of. I have taken steps to insure the careful observance of the instructions of the Government under this head.

I have also to acknowledge the receipt, under same cover, of a List of Customs Districts,

Ports

Ports of Entry and Delivery and
Customs Stations" and of several
copies of a circular of the
Treasury of date April 30th, 1883,
relative to the ~~Foreign~~ Exhibition
of Foreign Products of Art and
Industry to be held in Boston,
Mass during the year 1883;
and of another of January
1st. 1883 estimating and proclaiming
the United States Money of Account,
the values of the Standard Coin
in circulation of the various
Nations of the World

I am Sir

Very respectfully
Your obedient servant

Consul General

Received the Tel

File V6

DEPARTMENT OF STATE
JUN
5
1883
RECEIVED

No 163 Consulate General of the United States.

Havana May 31st 1883

Adam Badeau

to the Department of State.

Subject: Reporting telegram sent to Department on 30th inst. regarding Silvia Divora case.

Abstract of Contents:

Inclosures

No 159 Consulate General of the United States.

Havana May 21st 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

I have the honor to report that on the 29th inst, I telegraphed the Department in these words.

"Davis, State Department, Washington, Divorce will be granted in Silvera case unless you intervene. See my Despatch hundred sixteen. Silvera claims not liable to Spanish law of divorce.

Badeau."

I am

I am

Sir

Your obedient servant

Adam Badeau

Consul General.

Dr St Clair
Is it you can
arrange fair today
JD

TELEGRAM RECEIVED.

No. FROM Havana.

Via Key West June 1 1883



Davis.

State Department
Washington.

Is trustworthy bill of health can be made at Havana without absolute inspection of vessels.
Statements of local health authorities worse than useless.
Twenty two cases of yellow fever last week.
Am I authorized to employ inspectors after June first?

Badeau.

Received _____ 188 . , M

_____
Operator.

No.

T to Spain
Jun 12

Telegram-

Havana

June 1st 1883.

Form No. 3.

CABLE MESSAGE. 8 14 pm

THE WESTERN UNION TELEGRAPH COMPANY.

All CABLE MESSAGES received for transmission must be written on the Message Blanks provided by this Company for that purpose, under and subject to the conditions printed thereon, and on the back hereof, which conditions have been agreed to by the sender of the following message.

THOS. T. ECKERT, General Manager. NORVIN GREEN, President.

NUMBER	SENT BY	REC'D BY	CHECK
472 my	By	von	20 Havana Govt.

Received at Washington DC June 1 1883

To Davis State Department

Washington

Read Evening June 1 83

Consul at Cienfuegos reports authorities are proceeding to sell nettie have you any instructions ?

Badeau

Ack. [illegible] - dft.

Copy to Min Foster at Madrid. referring to previous instructions. DTT 16 June 1

JUN 7 1883 RECEIVED

Ans Claim

No. 574 Consulate General of the United States.

Havana June 1st 1883.

Adam Badeau
to the Department of State.

Subject: Fines imposed on the steamers of the New York and Cuba line.—

Inclosures

No 154 Consulate General of the United States

Havana June 1st 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

Referring to your Despatch No 690 of November 7th last, instructing me as to my course in the cases of the fines imposed on the steamers "Niagara", "Saratoga and "Newport," for errors in their manifests, I have the honor to state that I have repeatedly been called upon by the agents and officers of the New York and Cuba line of steamers, to which said vessels belong, to interfere and protect them against the imposition or collection of such fines. Four times separately, once

once in February last, once in March, and twice in the present month, these representatives have been notified peremptorily to pay such fines, and in each instance I went to the Governor General, and maintained the views of the Department, as set forth in your 690, and ~ procured a postponement or suspension of these peremptory proceedings. I stated each time to H. E. that the line would neither pay the fine nor give security; that they held the exaction to be illegal, and claimed at least that the matter should be decided at Madrid or Washington, and mean time declined to be held by decisions so adverse and injurious to their interests, made by Cuban Authorities. In taking this stand the agents of the line had my approval and advice. I told H. E. that they

they were willing for him to seize their ships, if he thought proper to take such a responsibility and precipitate such a solution of the question; but in each instance St. E. declined to take any such action); and though not always openly ordering a suspension), (though even this he frequently did.), he invariably gave such directions that his subordinates refrained from carrying out their threats.

The last instance occurred during the present month, when the Treasury Officials notified the steamer agents that unless the fines were paid, the vessels could not be allowed to leave port. The notice was thus indefinite, and covered all the fines imposed on any of the vessels of the line. Upon this I

waited

waited upon H. E. with the representative of the line, who announced to the Governor General that the fine would neither be paid nor security given, and that the line was anxious that one of its steamers should be seized, to test the question; but H. E. declared that he had referred the whole matter of these fines to Madrid and that no attention need be paid to any such notifications.

It is but just to H. E. to report that he has always declared his own opinion to be adverse to the propriety of these fines. He has also assured me that the Custom House would prefer to hold the consignees responsible for them rather than the masters, but that he has hitherto been over-ruled. He has consented, however, once more to submit

the

the whole question to his Govern-
ment.

In this connection I beg
to refer to the very different action
of the authorities here, when
they are ~~pe~~peremptorily met, as in
this instance, and ~~as others~~ when
a mere courteous application
is presented to them. In the latter
instance they reply still more
courteously, evading or declining
compliance with the application
while invariably when a demand
is made in terms which
indicate that the maker is
in earnest and that the
Government of the United States
will sustain him - after a
little preliminary skirmishing,
all that is asked for is
conceded - or assumed to be
conceeded. I have only to refer
the Department to my two
communications to the Governor
General on the subject of the
"Kittie"

omit
ads

one dated May 13th and inclosed in my Despatch N° 135, and the others of May 28th inclosed in my N° 148, in illustration of my meaning.

I beg that the Department will consider the different results accomplished by the two letters in question, and by the two different methods of handling a subject, either of which is not without its difficulties, but only one of which ever accomplishes its purpose at the Capital of this Island.

Omit.

I am Sir

very respectfully
Your obedient servant
Adam Badeau
Consul General

Recd June 12/83.

DEPARTMENT OF STATE
JUN 7 1883
RECEIVED

No. 155 Consulate General of the United States.

Havana June 1st 1883

Adam Badeau
to the Department of State.

Subject: Duties and charges on official furniture.-

2 Inclosures

No 155 Consulate General of the United States.

Havana June 1st 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

I have the honor to make the following statement:

Upon the receipt of Despatch No. 17 from the Department of February 1st last, authorizing me to expend $350 for office furniture, I made inquiry and ascertained that no good office desks or chairs could be obtained at reasonable prices in Havana, and ordered several such articles, suitable for my purpose, from New York, at a price of $269; having first applied to the Governor General to have

to have them admitted free of
duty, in accordance with
Paragraph 42 of Consular
Regulations. The goods were
shipped by the New York and
Cuba line of steamers, which
is constantly applying
to the Government for protection
and favors, and which has
received more of such favor
and protection from Officers
of the United States Government
since my arrival here than
any other firm or individual
in Cuba, if not more
than all other firms and
individuals together. I therefore
supposed that the charges
would be moderate, if any
at all were made, for
bringing this official furniture
to the Consulate General.

The goods arrived in due
time, but the Custom House
Authorities refused to pass
them

them without payment of
duty. The clerk of the Agents
of the steamer line reported
this to me, and I directed
him to get the goods through
as quickly as possible, and
pay the duties, as I intended
to apply to the Governor General
for their remission.

A few weeks afterwards
I received from the Agents of
the line their bill, a copy of
which is enclosed, according to
which the Custom House
charges were $241.93, and
those for freight $74.19. These
were so much higher than
I had any reason to expect
that I at once requested
the clerk to bring me
separate bills of the charges
for duties and for freight, so
that I might apply to the
Governor General for remission
of the duties. I was

then

then informed for the first time that the proper duties had not been paid; that they would have amounted to over $400, and that an arrangement had been made by which the goods, which are of walnut, had been entered as pine, and duties charged at $76, or there abouts, the Custom House officer receiving $165 for his share of the transaction. The papers of course showed nothing of this, and the only proof of it is the bill presented to me for $241.93, and the assertion of the clerk of the Agents of the steamer line

I at once refused to be a party to any such transaction, and declined to pay the bill. Upon further inquiry I was assured that the practice is universal here

here; that there was no rectification possible; that if I applied to the Governor General, he could only remit £76, for that amount only had been paid to the Treasury, and the Custom House officials would of course deny receiving the remainder. The agents of the steamer line assured me that they supposed I understood the manner in which such business is transacted here, and that as a matter of course I meant to bribe the Custom House. But in my utter ignorance of the practice I had not conceived the possibility of any one imagining that I could countenance it. But it is not for me to judge those who conform to the practice; I only report the facts so far as I know them. I do not know the name of the subordinate who

who received the bribe, nor whether those who do will consent to give it up. The agents of the steamer line are not American citizens, nor is the clerk, and I have no means of controlling their action.

I am of course ignorant what decision the Department may come to in this matter, whether it will reject the charges altogether in their present form; or whether, the payment having been made and the arrangement effected without its knowledge or that of its officers, it will hold the bill to be legitimate; but I am unwilling to take any steps without its concurrence, and I respectfully ask for instructions.

In regard to the freight

freight charges, they seem to me extortionate. The goods were in five boxes, and came by sea, in an American line, to an Office of the American Government. I recently brought forty boxes larger than these, from England to the United States, three times as far, on an English steamer, as private property, and was charged no more than the New York and Cuba line now charge for five.

It is proper for me to state that I have mentioned the subject of the imposition of duties to the Governor General in conversation, and he assured me that on the receipt of
2/ my communication, of which I enclose a copy of which I enclose, he inquired of the Spanish Consul at New York, who replied.

that the United States Government has charged him for duties on his official furniture; and in consequence His Excellency stated that he was unable to exempt the articles in question imported for the use of the Consulate General of the United States at Havana.

I have the honor to be
Your obedient servant
Adam Badeau
Consul General

List of Inclosures
N°1 Bill of expenses presented by the agents of the steamer line Apl 2nd 1883. for $302.87
N°2 Letter from Consul General to Governor General
February 10th. 1883.

Inclosure N° 1
With Despatch N° 155

Bill of expenses presented by the New York and Cuba line of steamers to Consul General on furniture bought for official use

---

Habana 2 de Abril de 1883

Sr General Badeau

á Mc Keller, Süding y Cª Debe

Copia

Por flete de 5 C/s muebles

por Saratoga de N. Y. $ 54.19

" dros de Aduana .241.93

" entrada nd y sellos " 1.75

" recibidura y cond.n " 5.-

Oro $ 302.87

Inclosure N° 1
With Despatch N° 155
Translation of Bill of
expenses presented by the New
York and Cuba line of steamers
to Consul General on furniture
brought for official use

Havana April 2nd. 1883

General Badeau to.
McKellar Lilling & C° Debtor

Copy

Freight on 5 B/ furniture		
per Savatoga from N. Y.	$	54.19
Custom House duties	"	241.93
" C. H. Enty & stamps.	"	1.75
" Receiving & cartage.	"	5.00
	Gold $	302.87

Inclosure № 2
With Despatch № 155
Letter from Consul General
to Governor General

His Excellency February 10th. 1883.
The Governor General
Excellency

I have the honor to inquire whether this Consulate General is required to pay duty or other charges, at the Custom House here upon supplies of furniture sent to its officers for their official use. I make this inquiry in obedience to instructions from my Government, which is in the habit of admitting free of duties and charges at its Custom Houses all articles for the official use of the Consular officers of foreign States when similar privileges are

granted to its subordinates.

I have the honor to be

Very respectfully

Your obedient servant

(signed) Adam Badeau

Consul General

Let him have it
subject to rules
agreeable on arrival of
V. Consul

H Clair

DEPARTMENT OF STATE
JUN 7
1883
RECEIVED

No. 156. Consulate General of the United States.

Approved June 28/83.

Havana June 2nd 1883

Adam Badeau
to the Department of State.

Subject: Application for leave of absence.

Inclosures

No 156 Consulate General of the United States

Havana June 2nd 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

I have the honor to request a leave of absence for sixty days, with permission to visit the United States, the leave to be taken during the summer or early autumn, whenever the effects of the Cuban climate may make it most necessary; but probably not before August and September. I have ascertained that the Vice Consul General will be in this Island in July, and ready to assume his

functions

functions whenever I may
be absent on leave

I have the honor to be Sir
Very respectfully
Your obedient servant
Adam Badeau
Consul General

Rec'd June 22

DEPARTMENT OF STATE
JUN
8
1883
RECEIVED

A. H. Clair

No. 157 Consulate General of the United States.

Havana June 2nd 1883

Adam Badeau
to the Department of State.

Subject: Reporting telegram to the Department of June 1st. inst and acknowledging receipt of telegraphic Despatch from the Department of June 2nd inst relatives to the brig "Nettie"

Inclosures

No 157 Consulate General of the United States

Havana June 2nd 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

I have the honor to report that on the first of June inst I sent ~~to~~ the following telegram.

"Davis

State Department,

Washington.

Consul at Cienfuegos reports Authorities are proceeding to sell "Rathie". Have you any instructions?

Badeau."

To which I received the following answer: this day.

"Washington Government

June 2nd. 1883.

Badeau

"Bardeau Consul General
Havana

Information not sufficiently definite to authorize detailed instructions which might release Spain from responsibility

Davis."

I have the honor to be Sir
very respectfully
Your obedient servant
Adam Bartleau
Consul General

D'Hellois

RTMENT OF S.
JUN
13
1883
RECEIVED

No. 158 Consulate General of the United States.

Havana June 7th 1883

Adam Badeau

to the Department of State.

Subject: Acknowledging receipt of circular from the Department May 5th. 1883.

Inclosures

No 158 Consulate General of the United States

Havana June 7th 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir:

I have the honor to acknowledge the receipt this day of a circular from the Department dated May 5th. 1883, enclosing copies of another circular issued by the Southern Exhibition Association of Louisville, Kentucky, and instructing Consular Officers to further the interests of the intended exhibition in all proper ways- also stating that although it is not under the auspices of the Government, it has the support of the State officers

of

of Kentucky and that its
operations have received
the sanction of Congress to
the extent of the passage of
an act whereby all bonds
intended for this exhibition
will be admitted to remain
free of duty while on exhibition

I have the honor to be Sir
Very respectfully
Your obedient servant
Edward Baldeau
Consul General

DEPARTMENT OF STATE
JUN 13 1883
RECEIVED

answd July 31

D. H. Clair

No. 159 Consulate General of the United States.

Havana June 7th 1883

Adam Badeau
to the Department of State.

Subject: Sanitary Inspection of vessels in Havana

Inclosures

7 1

No 159 Consulate General of the United States

Havana June 7th 1883.

To the Honorable John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

Referring to my Despatches N° 86 of March 16th and 99 of April 6th, I have the honor to report that on the 30th of May ult. I forwarded a telegraphic Despatch to the Department in these words:

"Davis

State Department

Washington. D.C.

No trustworthy bill of health can be made at Havana without absolute inspection of vessels. Statements of local

health

health authorities worse than useless. Twenty ten cases of yellow fever last week. Am I authorized to employ inspectors after June second?

Badeau."

On the 2nd of June inst I received the following reply:

" Washington Government

Badeau Consul General

Havana

Continue sanitary inspection as heretofore at same compensation until further orders.

Davis

Acting Secretary."

In compliance with these instructions, on the 2nd inst I directed Dr. D. M. Burgess, who has hitherto acted as Sanitary Inspector at this Port, reporting to the National Board of Health at Washington,

to

to continue his inspection
at the rate of $10 per diem,
with actual and necessary
travelling expenses; this being
the compensation allowed him
by the National Board of Health,
as stated in the copy of his
letter of appointment transmitted
by the State Department to
this Consulate General
in Despatch N° 516 to my
predecessor, of date August
13th. 1879, and actually paid
him until August 1882,
when the Board of Health
thought itself unauthorized
to continue the allowance.

I respectfully request
to be informed whether Dr
Burgess is to draw upon
the Department direct for
his pay, or through this
Consulate General, or
upon the National Board
of Health if that Body
still

still exists, a fact, in regard which I have no information.

I have the honor to be Sir
Your obedient servant
Adam Badeau
Consul General

To Chair 22 June

DEPARTMENT OF STATE
JUN
13
1883
RECEIVED

No. 160 Consulate General of the United States.

Havana June 7th 1883

Adam Badeau
to the Department of State.

Subject: Fines imposed on the brig "Nettie" for alleged smuggling

Inclosures

No 160 Consulate General of the United States

Havana June 7th 1883.

To the Honorable John Davis.

Assistant Secretary of State

Washington.

D. C.

Sir.

I have the honor to report the receipt of your Despatch N° 53 of May 29th ult., relative to the proceedings in the case of the brig "Nettie", and also this day of your telegram in these words:

"Washington Government

Badeau Consul General

Havana

again 54790 57888 48440 of "Nettie" and reference of question to Madrid 16899 13433 30814 26887 45109 44721-

Davis

Davis."

In accordance with these instructions I at once addressed the Governor General a letter a copy of which I enclose. No answer has yet been received.

I thought the presentation in this way more likely to be successful than if I attempted to argue; and at any rate, if the application is unsuccessful, there will still be opportunity for additional representations.

I am Sir

Very respectfully

Your obedient servant

Adam Badeau

Consul General

List of enclosures

No 1. Letter from Consul General to Governor General June 4th. 1883

Inclosure N° 1
With despatch N° 160
Letter from Consul General
to Governor General

Havana June 4th. 1883

His Excellency
The Governor General
Excellency:

I have the honor to state that I have this day received a despatch by telegram from my Government containing these words "Again urge suspension of sale of "Nettie" and reference of question to Madrid, because of apparently well founded doubt as to propriety of proceedings."

As no representations of mine can add weight to this grave communication from my Government, I beg to present it, itself, that E. E may give its full

importance

importance and significance
to the application which I
now renew in the name
and by the instructions of
the Government of the United
States, for the suspension
of the sale and reference
of the entire matter to
Madrid.

I have the honor to be
Your Excellency's
Most obedient servant
(signed) Adam Badeau
Consul General

DEPARTMENT OF ST
JUN
13
1883
RECEIVED

Acknowledged June 15 1883 R.R.C.

No. 161 Consulate General of the United States.

Havana June 7th 1883

Adam Badeau

to the Department of State.

Subject: Arrest of Mr. Ricardo Mencal a Citizen of the United States

6 Inclosures

No 161 Consulate General of the United States

Havana June 7th 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

I have the honor to report that on the 31st of May, ult., the father of one Ricardo Menocal applied to me to obtain the release of his son, an American citizen, a waiter on the steamer Niagara, running between Havana and New York, and arrested by the Cuban authorities. The father represented that his son had been engaged in the insurrection in this Island, and obliged to leave it on this account, that he had since become a

citizen

citizen of the United States, and had not revisited Cuba until now; that he was induced to come ashore by promises that some money owing to him should be paid, and was then arrested by the authorities, who had in fact entrapped him.

The same day I addressed
1/ a communication to the Governor General, a copy of which is enclosed, and on
2/3 the 1st and 2nd of June instant, received replies, copies of which are also enclosed. On the
4/ 4th inst. I replied to His Excellency, in a communication a copy of which is enclosed.

On the 4th instant also, I
5/ received a letter from the prisoner, a copy and translation of which are enclosed.

6/ Upon the receipt of this I applied to the Governor General for

permission

permission to visit the prisonier, which was immediately granted; the permit being accompanied by a private letter, in which "Mr. informed me that he had signed an order sending the whole affair to the ordinary Judge (civil), as now, we are not in especial circumstances the courts martial are not competent to try the accused of the embezzelment of the money. He also added. "Tomorrow I shall have the pleasure of answering yours of to day with respect to the Treaty of 1795."

I immediately visited the prisoner, whom I found confined in the Morro Castle. He stated that he had turned over the money in question to the insurrectionary leaders, and had taken their receipt for it; so that his case was

not

not one of ordinary embezzlement.
It is only request of me was
that he might be confined
in a civil jail, and tried by
a civil Judge, point which
had already been decided
as he desired by the Captain
General.

He became a citizen of
the United States in November
last.

I have the honor to inquire
whether I am to interpose any
objections if Manocal should
be tried for a political of-
fence committed before he became
an American citizen, and
also what course I am to
pursue in the event of his
being tried for a felony,
when he claims the act to
have been purely political.

I am Sir
Your obedient servant
Adam Ballen,
Consul General.

List

List of inclosures

N°1 Letter from Consul General to Governor General May 31st. 1883.

N°2 Letter from Governor General to Consul General & translations. May 31st 1883

N° 3. Letter from Governor General to Consul General & translations. June 2nd, 1883.

N°4 Letter from Consul General to Governor General June 5th, 1883

N° 5. Letter from Mr Ricardo Mensdaly Averhoff to Consul General & translation June 4th. 1883

N°6. Letter from Consul General to Governor General June 6th 1883

Inclosure N° 1
With Despatch N°161
Letter from Consul General
to Governor General

Havana May 31st. 1883

His Excellency
The Governor General
Excellency:

I have the honor to enclose a copy of a communication I have this day received relative to the detention of Mr. Richard Mervcal Averhoff, an American citizen, and to request that Y. E. will be good enough to give it your prompt attention, so that I may be made acquainted with the grounds on which Mr. Mervcal has been arrested; and also that if they should be found insufficient Y E will at once order his release.

I have

I have the honor to be
Y. E's
Most obedient servant
(signed) Adam Badeau
Consul General

Inclosure N° 2
With Despatch N° 161
Letter from Governor General
to Consul General.

Muy Sr mio:

Contesto su apreciable relativa á la detencion de Dn Ricardo Mencal, manifestandole que á ese sugeto se le sigue causa criminal por los Tribunales de Justicia de esta Capital por defraudacion al Tesoro Español de miles de pesos como funcionario público que fué de esta Isla.

Dios que á V.S. m.a a.

Habana 31 de Mayo de 1883

(signed) Luis Prendergast

Sr Consul General de los
Estados Unidos de America

Inclosure No 2
With Despatch No 161
Translation of letter from
Governor General to Consul
General.

My dear Sir:

In reply to your amiable note, relative to the detention of Mr. Ricardo Menocal, I beg to inform you that this person has been the subject of a criminal proceeding by the Court of Justice of this Capital for defrauding the Spanish Treasury of thousands of dollars as a public functionary of this Island.

God grant you many years

Havana May 31st 1883.

(signed) Luis Prendergast

To the Consul General of the United States of America

Inclosure No 2
With Despatch No 761
Letter from Governor General
to Consul General

Muy Sr mio:

Ampliando las noticias que comuniqué á V.S. ayer sobre la detencion de Dn Ricardo Mencal debo manifestar á V.S. que este individuo fué condenado en rebeldia por el Consejo de Guerra de esta plaza en 29 de Octubre de 1876 á la pena de ser pasado por las armas por el delito de defraudacion al Estado de 124,736 pesos 95 centavos, como recaudador de contribuciones sin perjuicio de ser oido si se presentase

Y como no ha sido habido dicho reo hasta el presente, queda á

disposicion

disposicion del Juzgado de
Guerra para los fines que
en justicia correspondan.
Dios gue á V.S. mn ds
Habana Junio 2/83
(signed) Luis Prendergast

Sr Consul General de los
Estados Unidos de America

Inclosure N° 3:
With Despatch N° 161.
Translation of letter from
Governor General to Consul
General.

My dear Sir

Amplifying the informations which I communicated to you yesterday in regard to the detention of Mr Ricardo Mencal, I have to state that this individual was condemned in default by the Council of War of this place on the 29th of October 1876, to the penalty of being shot, for the crime of defrauding the State of 124.736 dollars 93 cents, as Collector of Taxes, without prejudice to his being heard if he presented himself; and as the said person has not been seized until now, he

remains

remains at the disposition
of the War Authorities for the
purposes of justice

God grant you many years

Havana June 2nd. 1883

Signed Luis Prendergast

The Consul General of the
United States of America.

Inclosure N° 4
With Despatch N° 161
Letter from Consul General
to Governor General.

June 5th. 1883

His Excellency
The Governor General
Excellency:

I have the honor to acknowledge the receipt of your communication of June 3rd inst., informing me that Ricardo Menocal an alleged citizen of the United States and now detained by Cuban Authorities, was condemned by default by a Court Marshal, on the 29th October 1876. to be shot, for the offense of defrauding the state of $124.736 dollars 95 cents, as collector of taxes, without prejudice to his being heard if he presents himself; and as the said person has not been

seized

seized until now, he remains at the disposition of the Juzgado de Guerra for the ends which justice demands.

In reply I have the honor to invite Y. E's attention to Article VII of the Treaty of 1795, between the United States and Spain, and, in view of the provisions of said article, to inquire by what steps the Cuban Authorities intend to carry out the provisions of said article in the present instance.-

I have the honor to be
Y. E's most obedient servant
(Signed) Adam Badeau
Consul General

Inclosure Nº 5
With Despatch Nº 161
Letter from Mr. Ricardo
Mencal y Everhoff to Consul
General.

Sr Consul: Como ciudada-
no americano, cuyos derechos
reclamo, suplico á V.S. se
sirva oirme reservadamente
a cuyo fin, ruego á vd, venga
a verme al Castillo del
Morro, en una de cuyas
prisiones me hallo desde
el mediodia de hoy en
libre plática despues de
cuenta y tantas horas de
rigurosa incomunicacion
en la Gefatura de Policia
Castillo del Morro de la
Habana á 4 de Junio de 1883
(Signed) Ricardo Mencal y Everhoff

Inclosure N° 5
With Despatch N° 161
Translation of letter from
M Ricardo Menocal y
Cisneroff to Consul General

Mr. Consul.

As an American citizen,
whose rights I claim, I implore
you to please hear me
privately, to which end
I beg you to come to see
me at the Morro Castle,
in one of whose prisons
I have been since noon
to day, on free pratique
after more than a hundred
hours of rigorous confinement
in the office of the Chief of Police
Morro Castle
Havana June 4th. 1883.
(signed) Ricardo Menocal y Cisneroff

Inclosure N° 6
With Despatch N° 161.
Letter from Consul General
to Governor General

June 5th. 1883.

His Excellency
The Governor General
Excellency:

Referring to Y.E's communications of June 1st and 3rd inst. I have the honor to state that I have received a communication from Mr Ricardo Menocal, stating that he is an American citizen, and requesting an interview with me. I have therefore the honor to request such a permit as will enable me to visit the said Menocal with my Secretary, in order to take down any statement he may wish to make to me, as Consul General of the

United

United States

I have the honor to be

Y. E's most obedient servant

(Signed) Adam Badeau

Consul General

No. Spain 22 June

DEPARTMENT OF STATE
JUN 14 1883
RECEIVED

No. 162 Consulate General of the United States.

Havana June 9th 1883

Adam Badeau

to the Department of State.

Subject: Fines imposed on the brig "Nettie" for alleged smuggling

2 Inclosures

No 162 Consulate General of the United States

Havana June 9th 1883.

To the Honorable John Davis

Assistant Secretary of State

Washington.

D. C.

Sir. I have the honor to forward
1/ here with a copy of a com-
munication addressed to me
by the Governor General of this
Island in reply to my ap-
plication for a suspension
of the sale of the "Nettie" and
a reference of the proceedings
in the case to Madrid, and
2/ also a copy of my reply.

I have the honor to be Sr
very respectfully
Your obedient servant
Adam Badeau
Consul General

List

List of inclosures

No. 1 Letter from Governor General to Consul General with translation June 7th. 1883.

No. 2 Letter from Consul General to Governor General June 8th. 1883.

Inclosure Nº 1
With Despatch Nº 162
Letter from Governor
General to Consul General

Muy Sõr mio:

Contestando su atenta de hoy sobre suspension de procedimientos contra el bergantin "Nettie," tengo el gusto de manifestarle, que me he enterado del telegrama del Gobierno Norte Americano, y considero que este ha sido redactado bajo el conocimiento de las referencias dadas de aquí sobre el asunto, puesto que los hechos administrativos no se han comunicado oficialmente á su Gobierno. Estando como está el asunto en la jurisdiccion legal administrativa, y concedido por las leyes á los que se consideren perjudicados

dos

dos, los recursos necesarios en
defensa de sus derechos, no
es posible suspender las ac-
tuaciones, ni hay merito para
tratar estos asuntos por la
via diplomática; pero en
vista de que el Gobierno de
los Estados Unidos se ocupa
ya de este asunto por las
referencias que se les han
comunicado desde aquí, y
deseando yo complacerle en
todo cuanto de mi dependa
y me sea posible, estoy con
sumo gusto dispuesto á remi-
tir el asunto al Gobierno
Supremo, para la decision
y en este caso permitir la
salida del "Hettie" de este puer-
to siempre que el Gobierno
Norte Americano sea y se decla-
re responsable á la multa que
debe satisfacer el "Hettie" en el
caso de que dicho Gobierno
Supremo decida conforme con
la

la Administracion, teniendo por último el gusto de manifestar á V.S. que el procedimiento seguido con el "Nettie" y la ejecucion fiscal decretada, son hechos ineludibles para la Administracion pública y perfectamente ajustados á las leyes encaminadas con el mismo fin y deseos de parte de España como de los Estados Unidos, de castigar el comercio de mala fé tan perjudicial al de buena fé y el fraude de las Aduanas tan notoriamente cometido en el presente caso.

Dios gue á V.S. m.s a.s

Habana 7 de Junio de 1883.

(signed) Luis Prendergast

Sor Consul General de los Estados Unidos en esta Capital

Inclosure N° 1
With Despatch N° 162
Translation of letter from
Governor General to Consul
General

My dear Sir.

Replying to your favor
of today in regard to the sus-
pension of proceedings against the
"Nettie," I have the pleasure to
inform you that I have
considered the telegram of
the North American Government
which I presume has been
issued in consequence of the
information furnished from
this place in regard to the affair,
although the administrative
proceedings have not been
communicated officially to
your Government. As this
affair is still under the
legal jurisdiction of the
Treasury, and the necessary

steps

steps in defence of their rights
are conceded by law to those
who consider themselves
injuried — it is not possible
to suspend the actual proceedings,
neither is there any reason for
treating this business through
diplomatic channels; but in
view of the fact that the
Government of the United
States concerns itself in
the affair on account of
the information communicated
to it from here, and desiring
to gratify you when ever it
depends upon myself and
is possible — it will give me
great pleasure to remit the
matter to the Supreme
Government for its decision,
and in consequence ~~have~~
to permit the departure of
the "Kettle" from this port;
provided that the North American
Government will be and
declare

itself, responsible for the fine which the "Nettie" should pay in case the said Supreme Government decides in accordance with the Treasury; having finally the pleasure of informing Your Honor that the proceedings taken with the "Nettie", and the fiscal execution decreed, are acts inavoidable by public administration, and perfectly in accord with the law, leading to the end desired equally by Spain and the United States i.e.— the punishment of bad faith in trade so prejudicial to the proper trade, and of fraud upon the Treasury, so notoriously committed in this instance

God grant Your Honor many years

Havana June 7th. 1883.

Signed Luis Prendergast

The Consul General of the United States at this Capital

Inclosure N° 2
With Despatch N° 162
Letter from Consul General
to Governor General

Havana June 8th. 1883

His Excellency
The Governor General
Excellency:

I have the honor to acknowledge the receipt of Y. E's communication of the 7th June inst., informing me of Y. E's willingness to suspend the sale of the "Nettie," and refer the entire matter to the Supreme Goverment ~~of~~ at Madrid; on condition that the Government of the United States will be and declare itself, responsible for the fine which the "Nettie" should pay in case that the said Supreme Government decides in conformity with the Treasury,

and

and to state that I will
forward Y. E's propositions by
the next steamer to Washington.

I have the honor to be
Y. E's most obedient servant
(signed) Adam Badeau
Consul General

DEPARTMENT OF STATE
JUN 14 1883
RECEIVED

No. 163 Consulate General of the United States.

Havana June 9th 1883

Adam Badeau

to the Department of State.

Subject: Divorce case of Mr. Aurelio C. Silvera

2 Inclosures

No 163 Consulate General of the United States

Havana June 9th 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

Referring to my despatch
No 116 of April 26th. ult., and to
my telegraphic despatch of the
29th May. I have the honor to
forward a further application
of Mr. Silvera, with extracts
from the laws and decisions
referred to by him in support
of his position — that as an
American citizen he is not
liable to the Spanish law
of divorce. I have informed
Mr. Silvera that I have
represented his case to the
Department but received
no

no reply, and that without instructions I do not consider myself authorized to take any steps beyond that of addressing the Captain General, as I have already done in my letter of April the 16th, a copy of which was forwarded to the Department, but which has neither been acknowledged nor approved.

I have the honor to be Sir
Very respectfully
Your obedient servant
John Baldwin
Consul General

Inclosure N° 1
With Despatch N° 163
Communication of Mr. Aurelio
C. Silvera to Consul General

To the Consul General
of the United States of America
at Havana.

I, Aurelio C. Silvera, exercising a legal right, once more do appear before you demanding to prevent the brutal outrages that are inflicted upon me. The Spanish Courts have not been satisfied with rejecting the judgements of the Supreme Court of Justice of Spain, dated November 6th, 1867; Nov. 27th, 1868 and June 3rd, 1870; they have not been satisfied with trampling under foot the regulations of Newetson (page 172) and the law for foreigners, dated July 4th, 1870, now in force

in

in this Island by a Royal decree bearing date of August 16th. 1870, and they have not been satisfied with usurping your exclusive powers, infering in this manner a personal and grievous injury to yourself and to the Government of my country, which you so deservingly represent here.- No, Sir; all this seems little to them, and they have gone so far as to tread on the Law of Nature, depriving me of seeing my own daughter for sixty days. These acts are so revolting that you must be aware that every body in Havana is surprised to see the outrages that I, a naturalized American citizen, have suffered and am still suffering at the hands of the arrogant and despotic Spanish Government; without I being in

the

the least protected, up to this date (59 days), in a matter in which both my heart and my honor are suffering; in a matter of Personal Statutes, about which the Spanish law declares: "that "it follows the individual "wherever he goes, as the shadow "follows the body." To-day I have been informed that the family that keeps my daughter in charge are now thinking of going to reside in Marianao a distance of nine miles and a half from here. - Shall this last act be tolerated by you? Shall my Government consent his citizens to be thus affronted; his representatives thus abused; and the international treaties thus disregarded, when all civilized countries respect and make others respect them?

I beg

I beg yon, dear Consul,
to excuse me if I am too
copious in my expositon
of facts; but be pleased to
remember that I am an
outraged American and a
father deeply hurt, therefore,
I request yon to have the
goodness to act most
conveniently and speedly,
taking into consideration
the painful affliction that
overturns my senses.

With the highest consideration
I have the honor to be, dear Consul,
Your obedient servant
(signed) Aurelio C. Silvera
Havana June 4th, 1883. —

Inclosure N° 2
With Despatch N° 163
Extracts from Spanish law and decisions referred to by Mr Aurelio C. Silvera in Inclosure N° 1.

Decision of the Supreme Court of Justice of Spain of the 6th of November 1867 in the proceedings instituted by Don José Nagel and Don José Ubribe against the decree pronounced by the Hall of Audience of Granada in the case against Doña María de los Dolores Vazquez

2nd Clause – That the general rule admitted by Nations with slight exceptions is that the personal statutes, no especial compact intervening should govern all the acts which refer in civil matters to the person of a foreigner subordinate subject to the

to the laws in force in the country of which he is a subject, and should determine all questions of fitness, capacity and personal rights; because otherwise trouble would arise as well as a facility in frustrating the interest disposition of the Native (patria) laws which protects the rights of citizen at the same time that they impose corresponding obligations.

Madrid Gazette of May 30th 1867. Page 339 Vol. 16 Juridical Library published by the directors of the General Review of Legislation and Jurisprudence.

Decision of the Supreme Court of Spain Nov. 27th. 1868 in the application for appeal instituted by Don Cayetano Martí, against the 2nd Hall of the Audience of Barcelona in the suit against Don

Bruno

Bruno Mach.

1st- That the personal law for each individual is that of the country to which he belongs which follows him wherever he removes regulating his personal rights, his power of transmitting by will and intestate and in the management of his matrimonial relations or of his family.

2nd That the original domicile is not lost by temporary absence nor by simple residence at a different place, and that in order for a legal removal the definite establishment of the individual in the country to which he removes is indispensable

3rd That the married woman follows the condition of her husband

Madrid Gazette of Dec 6th, 1868
Decree of the Supreme
Court

Court of Justice of June 6th
1873 — instituted by Doña
Elena Choussat against the
decree of the Hall of Justice
of the Audience of Palma de
Mallorca in the proceedings
with Doña Josefa de Arjona
y Medina

That the right of
Frenchmen passing through
or domiciled in Spain to
be judged by the laws of
their country in all that
refers to the personal
Statutes has been constantly
recognized both by the laws
comprehended in our own
code and by international
Treaties

DEPARTMENT OF STATE
JUN
19
1888
RECEIVED

D.H. Clerc

No. 164 Consulate General of the United States.

Havana June 11th 1883

Rec'd

Regulations to Treasury June 21/83.

Adam Badeau

to the Department of State.

Subject: Enclosing half registers of Schooners "E L Rogers" & George Storrs sold to foreigners

2 Inclosures

No 164 Consulate General of the United States

Havana June 11th 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

In obedience to Paragraph 328 of Consular Regulations I have the honor to forward herewith the half registers of the two American Schooners "Eliza L. Rogers" and "George Storrs," sold in this port to foreigners.

I have the honor to be Sir

Very respectfully

Your obedient servant

Adam Badeau

Consul General

List of inclosures

No 1 - Two half registers from Schooners "E L. Rogers" and "Geroge Storrs." —

D'St Clair

DEPARTMENT OF STATE
JUN
19
1883
RECEIVED

No. 165 Consulate General of the United States.

Havana June 11th 1883

Adam Badeau

to the Department of State.

Subject: Acknowledging receipt of a circular headed Treasury Department, Document No 432.

Inclosures

No 165 Consulate General of the United States

Havana June 11th 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

I have the honor to acknowledge the receipt of a circular heated Treasury Department, document N° 432 - Secretary I R and R "To Collector of Customs.

I am Sir

Your obedient servant

Adam Badeau

Consul General

DEPARTMENT OF S.
JUN
19
1883
RECEIVED

Mr H Clews

No. 166 Consulate General of the United States.

Havana June 11th 1883

Adam Badeau
to the Department of State.

Subject: Acknowledging receipt of despatch № 55.

Inclosures

No 166 Consulate General of the United States

Havana June 11th 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir. I have the honor to report my receipt of your despatch N° 55 of June 6th, inst., enclosing a copy of a letter of the 4th inst from the Acting Secretary of the Treasury, enclosing the notice of the appointment of Dr Daniel M. Burgess as Sanitary Inspector at Havana, to act under the general directions of the Surgeon General of the United States, Marine Hospital Service, and the immediate direction of the Consul General of the United States

States, with compensation at the rate of two thousand five hundred dollars, to be paid from the appropriation for "Preventing the spread of Epidemic diseases", together with a letter from the Surgeon General to Dr Burgess.

The notice of appointment and letter of the Surgeon General I have delivered to Dr Burgess as directed

I have the honor to be Sir:

Your obedient servant

Adam Badeau

Consul General

Answd. by telegram June 12th

No Spain June 22

Telegram - Cipher -

United States Consulate General

Havana June 12" 1883.

Davis.

State Dept.

Washington D.C.

Governor General promises to release Nettie remitting the case to Madrid on condition the United States guarantees payment in case the fine is confirmed by Spanish government. He suggests cablegram as sale has been ordered for June twentieth. See my letter of June ninth -

Badeau.

DEPARTMENT OF STATE
JUN
19
1883
RECEIVED

Mr Clair

No. 167 Consulate General of the United States.

Havana June 12th 1883

ans'd by Mr. Adee June 20/83.

Adam Badeau
to the Department of State.

Subject: Mr. Antonio Pellicier asking for the guardianship of his children

1 Inclosures

No 167 Consulate General of the United States

Havana June 12th 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

I have the honor to enclose a copy of a communication of this date from Mr Antonio Pellecier, a native born citizen of the United States, who desires to procure the custody of his children, withheld from him by his wife and her relatives. As this is in part the same question which arises in the case of Mr. Silvera, reported in my Despatches Nos 116 of April 26th and 163 of June 9th inst., to which I have received no reply. I have stated to Mr.

Mr. Pelletier that the Secretary only submit this letter to the department and await such instructions as it may see fit to give me.

I am Sir
Your obedient servant
Adam Bullen
Consul General

List of Inclosures.

N°1 Letter from Mr. Antonio Pelletier to Consul General - June 12th. 1883

Inclosure No. 1
With Despatch No. 164
Letter from Mr. Antonio
Pelletier to Consul General.

Havana June 12th. 1883

To General Adam Badeau,
United States Consul General
at Havana.

Sir:

I the undersigned, an American citizen born in New York city, do hereby give the following statement:

On the 30th day of November of the year 1877 I legitimately married á Miss Carmen Gonzalez Arango of Havana and by said marriage had a daughter and ten boys the first having died a few days after been born. On the 5th day of August 1882 my wife's father died and ever since his death my wife, against my wishes

wishes is at her mother's house
and as in that house the morals
are not good I have forbiden
my wife to go, she not listening
to me and still continues there.
The motives I have are the
following for my wife not going
to her mother's house are:-
1st.- She will say she goes for
one day and stay at times over
a month
2nd.- At her mother's house
has been staying several times
a cousin of hers by the name
of Josefa Gonzalez Arango de
Alburquerque; a woman that
left her husband and ran
away with another man, finally
the husband killed the man
for taking his wife and as that
woman is in contact with my
wife at the mother's house and
they have talked ill of my wife
I consider her company bad as
it injures my reputation.

3rd—

3rd- At her mother's house she is constantly hearing bad talk on account of this family having 8 seven law suits of sons and daughters against their fathers &c., and as it is fearfull the words and curses that is heard in that house constantly so much harder being said that my oldest boy not yet three years knows how to call me or any body a son of a b.....

4th. There being a brother <u>lazarus</u> in the same house which desease is contaminating to my children and as my wife abandons me and my house to go to her mother's, I as an American born citizen do hereby ask the protection and aid of the United States to give me the custody and guardianship of my children so that at any time I may see it convenient to claim by law such I henceforth

byn

hyn General Adam Badeau
I respectfully implore to help
and assist me in such and
wish yn please tell me if
I have a right to take my
children and caring for them
in such a case I wish to
have the right given to me
to take them to the United
States as they have ~~their~~
grand mother there who with
me shall provide for them
at same time my children
are considered Americans as
all my family are such

Yours Resp.

(signed) Antoine Pelletier

D. S. McClain

RTMENT OF ST.
JUN
19
1883
RECEIVED

No. 168 Consulate General of the United States.

Havana June 11th 1883

Adam Badeau
to the Department of State.

Subject: Fines imposed on the Am.
brig "Nettie"

Inclosures

No 168 Consulate General of the United States

Havana June 10th 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir. I have the honor to report my receipt of your despatch № 56 of June 6th inst., enclosing for my information a copy of a letter of the 30th ult. from Mr. William B. Smith, Agent of the American brig "Nettie", in New York, relative to the fine imposed upon that vessel by the authorities at Cienfuegos.

I have the honor to be Sir

Your obedient servant

Adam Badeau

Consul General

Person to Cook.
note and copy
copy.

DEPARTMENT OF STATE
JUN
19
1883
RECEIVED

Dr St Clair

No. 169 Consulate General of the United States.

Havana June 11th 1883

Adam Badeau
to the Department of State.

Subject: Extradition of the so-called Westbrook and Northcote -

Wm F Sinclair | Saml B. Kirkday

asked Gov N. Y to reimburse Dept July 14/83.

2 Inclosures

No 169 Consulate General of the United States

Havana June 11th 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir. I have the honor to report my receipt of your Despatch N° 574 of June 6th inst acknowledging my N°s 118 to 142, the last named dated May 23rd ult., also approving my proceeding in the extradition of the so-called Wilson A Westbrook and Sanford B. Northcote, and directing me to express the appreciation of the Department of the promptness with which the Spanish Authorities responded to my request in the matter; also authorizing

me

me to draw on the Secretary of State for the amount of the statement of expenses incurred in securing the extradition of the individuals in question, forwarded with my despatch N° 142.

I have accordingly drawn this day at fifteen days sight on the Secretary of State, for five hundred seventy five dollars and twelve cents cow, payable to Messrs J. M. Borges & Co of this city — "on account of Extradition of Halliday and Sinclair, as authorized by Instructions N° 54 of June 6th, 1883."

The exchange is only seven per cent, because the draft is made upon the Secretary of State, and must therefore be sent from New York to Washington, instead of being payable in New York, as would be the case if drawn upon the Assistant Treasury

Treasurer at the last named place.

1/ A memorandum of the items to which this amount is applied is enclosed for the convenience of the department, the vouchers having been forwarded with our N° 142 of May 23rd ult.

2/ The receipt of the Notary for the Court Fees is also enclosed.

I am Sir, Very respectfully
Your obedient servant
Adam Badeau
Consul General

List of Inclosures.

N°1- Statement of items of expenses
N°2- Notarial receipt for same - ajt file -

D
dub
tito

D. Luis Marón y Rivero Escribano del Juzgado de Primera Instancia del Distrito del Pilar

Exhibió ante mí este día el Sor Consul de los Estados Unidos de America en esta Ciudad la cantidad de cuatrocientos ochenta y siete pesos cincuenta y nueve centavos en oro á que ascienden las costas causadas en los autos formados para tratar de la estradicion de los Ciudadanos americanos Wm. Wilson Westbrok y Sandford D. Northot cuya cuenta abona á virtud de lo prevenido en el articulo trece del Convenio adicional del tratado de estradicion celebrado entre España y los Estados Unidos de America Habana Quince de noviembre de mil ochocientos ochenta y tres

Luis Marón

DEPARTMENT OF STATE
JUN
19
1883
RECEIVED

No. 170 Consulate General of the United States.

Havana June 14th 1883

Adam Badeau
to the Department of State.

Subject: Fines imposed on the brig "Nettie" for alleged smuggling.

3 Inclosures

No 170 Consulate General of the United States

Havana June 14th 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

Referring to my Despatch N° 162 of June 9th inst., relative to the brig "Hettie" I have the honor to forward herewith a copy of a communication from the Governor General of this Island, relative to the release of the said ship, received by me on the 11th June inst., and also a copy of my reply.

In accordance with the statement in my letter to His Excellency, I telegraphed the Department on the 11th inst., in cipher, the translation being as follows

follows:

"Davis
State Department
Washington D.C.

Governor General promises to release "Hettie", remitting the case to Madrid, on condition the United States guarantees payment, in case the fine is confirmed by Spanish Government. He suggests cablegram as sale has been ordered for June 20th. See my letter of June 9th
Badeau."

On the 13th inst., I received the reply of the Department, in cipher, the translation being as follows:

"The United States will not guarantee payment of a claim which they believe illegal, neither do they guarantee debts of their citizens."

I.

I immediately addressed
3/ His Excellency a communication
a copy of which is enclosed.
To this I have as yet received
no reply
I am Sir
Very respectfully
Your obedient servant
William Ballenie
Consul General

List of Inclosures
N° 1 - Letter Letter from Governor
General to Consul General
with translation = June 10th, 1883.
N° 2 = Letter from Consul General
to Governor General = June 11th, 1883
N° 3. Letter from Consul General to
Governor General - June 13th 1883.

Inclosure No. 1
With Despatch No. 170
Letter from Governor General
to Consul General

Sor Consul General de los
Estados Unidos de América
Muy Sr mio:

Me he enterado del
recibo de mi comunicacion
de 7 del actual que me
participa V.S. en su atenta
del dia siguiente

Espresa V.S. que por
el proximo vapor enviará
mis indicaciones á su
Gobierno referentes á la
suspension de la venta
del "Nettie", remitir todo el
asunto al Gobierno Supremo
y autorizar la salida del
buque, bajo la condicion de
que el Gobierno de los Esta-
dos Unidos será y se reco-
nocerá responsable de la

multa

multa que ha de abonar el "Nettie." Es oportuno indique á V.S. que para el 20 del actual está anunciada la venta pública del buque por falta de ese pago; que considero resta poco tiempo, y que sería bien utilizar el cable, mejor que el correo, para obtener V.S. la contestacion que necesita de su Gobierno, pues no está en mis atribuciones la suspension de la venta sin obtener la garantía reglamentaria, ni corresponde aceptar la responsabilidad que sin ella me exigiria el Gobierno de S. M. el Rey, por la solucion que he propuesto á este asunto, guiado solamente del deseo que me anima de complacer al Gobierno cuyos intereses comerciales dignamente V.S. representa.

Dios gue á V.S. m.s a.s

Habana 10 Junio de 1883.

(signed) Luis Prendergast

Inclosure No.
With Despatch No.
Translation of letter from Governor General to Consul General.

To the Consul General of the United States of America

My dear Sir:

I am informed of the receipt of my communication of the 7th inst. by your favor of the following day.

You state that you will forward to your Government by the next steamer my proposition referring to the suspension of the sale of the "Hattie," to remit the whole affair to the Supreme Government, and to authorize the departure of the vessel on condition that the United States Government becomes and declares itself responsible for the fine

which

which the "Nettie" may have
to pay. It is proper to inform
H. H. that the public sale of
the ship is announced for the
20th of the present month in
default of their payment; that
I consider there remains only
a short time and that it would
be well to make use of the
cable rather than the mails
in order to obtain the requisite
reply from Your Government
since it is not in my power
to suspend the sale without
obtaining the prescribed guarantee,
nor to accept the responsibility
which, without it, His Majesty's
Government would impose
upon me, as the solution
which I have proposed to
this matter is guided solely
by the desire that animates
me to please the Govern-
ment whose commercial
interests H. H. so worthily

represents.

God grant Y.H. many years.

Havana June 10th. 1883.

(signed) Luis Prendergast

Inclosure N° 2
With Despatch N° 170
Letter from Consul General
to Governor General

Havana June 11th, 1883

His Excellency
The Governor General
Excellency:

I have the honor to acknowledge the receipt of Y E's communication of the 10th of June inst., suggesting that I should telegraph to my Government Y E's propositions to release the "Nettie" and refer her case to Madrid, on condition that the United States Government becomes answerable if any fine is eventually adjudged by the Government at Madrid; and I beg to inform Y E that I shall accordingly so telegraph to the Government of the United States.

I have

I have the honor to be
Y E's most obedient servant
(signed) Adam Badeau
Consul General

Inclosure No 3.
With Despatch No 170
Letter from Consul General
to Governor General

Havana June 13th. 1883

His Excellency
The Governor General
Excellency:

I have the honor to state that in compliance with Your Excellency's suggestions of the 10th June inst., received by me on the 11th, I telegraphed to my Government Your Excellency's propositions to suspend the sale of the "Nettie," remitting the whole affair to the Government at Madrid, and allowing the departure of the vessel on condition that the Government of the United States should be and acknowledge itself responsible for the fine which might be decreed against the "Nettie,"

and

and I have this day received its reply which is in these words:

"The United States will "not guarantee payment of "a claim which they believe "to be illegal, neither do they "guarantee debts of their citizens."

I have the honor to be

Y. E's most obedient servant

(signed) Adam Badeau

Consul General

file

DEPARTMENT OF ST
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RECEIVED

No. 171 Consulate General of the United States.

Havana June 14 1883

Adam Badeau
to the Department of State.

Subject: Appointment by Mr Palleys of a Commercial Agent at San Juan de los Remedios

1 Inclosures

No 171 Consulate General of the United States

Havana June 11th 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

I have the honor to forward herewith Despatch No. 26 of May 25th ult., (rec'd June 14th) from the Commercial Agency at San Juan to the Department, announcing that he is about leaving for the United States and has appointed Mr. Just J Quintero to act in his absence. The Commercial Agent has sent me a similar notification, to which I replied by telegram that Consuls have no power to make such appointments, and that he should not leave until

until he heard from Washington.

I also write today for information in regard to Mr. Quintero, and will at once forward any received, to the Department

I receive frequent statements of the unfitness of Mr. Polleys for his post, but have had no opportunity as yet to investigate the charges on the spot. I am inclined to believe, however, that I should do no injustice to any one by recommending the immediate appointment of a successor to the post

I am Sir

Very respectfully

Your obedient servant

Adam Badeau.

Consul General

List of Inclosures

Despatch N° 26 from the Commercial Agency of San Juan de los Remedios.

Cipher Telegram.

Consulate General
Havana, June 15, 1883.

DEPARTMENT OF STATE. JUN 16 1883 RECEIVED.

Frelinghuysen
State Department,
Washington.

Commercial Agent at San Juan Remedios has left his post with no vice agent. I hear of no fit person to appoint in his absence.

Badeau.

Cipher Telegram

Consulate General,
Havana, June 15, 1882.

Frelinghuysen
State Department,
Washington.

Your cipher telegram of fourteenth just received. May I withhold a proposition till eighteenth. I still hope your spirited message thirtieth may secure unconditional release.

Badeau.

DEPARTMENT OF STATE
JUN
21
1883
RECEIVED

D. H. Clair

Ans'd Mr. Fawcett June 22/83.

No. 142 Consulate General of the United States.

Havana June 16th 1883

Adam Badeau

to the Department of State.

Subject: Correspondence between the Consul at Cienfuegos and Consul General

6 Inclosures

No 172 Consulate General of the United States

Havana June 16th. 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

1/6 I have the honor to enclose copies of a correspondence between the Consul at Cienfuegos and myself with respect to his failure to keep the American flag flying on the brig "Nettie", after my orders on the subject

I am Sir

Your obedient servant

Adam Badeau

Consul. General

List of inclosures

N° 1- Letter from Consul at Cienfuegos to Consul General May 19/83

N° 2 - Telegram from Consul General to Consul at Cienfuegos May 23rd 1883.

N° 3 Extract of letter from Consul at Cienfuegos to Consul General June 4th. 1883

N° 4 Letter from Consul General to Consul at Cienfuegos June 6th. 1883

N° 5. Letter from Consul at Cienfuegos to Consul General June 11th. 1883

N° 6 Letter from Consul General to Consul at Cienfuegos June 15th. 1883

Inclosure No. 1
With Despatch No
Extract of letter from Consul at Cienfuegos to Consul General.

U. S. Consulate
Cienfuegos May 19th. 1883

Hon: Adam Badeau
U. S. Consul General
Havana

Sir

× × × × × × × × × × × × × × ×

A day or two after I wrote you last about the "Nettie"; some officials went on board of her and executed papers imposing an embargo. The mate hoisted the flag which gave considerable offence. Very soon the Inspector of the Province wrote me a letter complaining of the action of the mate and saying that if I made the mate's act my own Spain would protest against

against my proceedings &c.
I replied approving the conduct
of the mate but disclaiming
every intention to disrespect
Spanish authority, and I
declined to intervene to lower
the flag until he had
dispossessed the American
master and crew. (He claimed
in his letter that the vessel
was already Spanish.) He
answered expressing himself
satisfied and the "Star spangle
banner" still waves - night
and day - over a vessel now
undergoing a coercion
discharge of cargo.

× × × × × × × × × × × × × × × × ×

I have the honor to be
Very respectfully
Your obedient servant
Wm P. Pierce
U. S. Consul

Inclosure N° 2
With Despatch N°
Telegram from Consul
General to Consul at
Cienfuegos.

Havana May 23rd. 1883

American Consul
Cienfuegos

Keep the flag
flying
(signed) Badeau

Inclosure No. 3
With Despatch No
Extract of letter from
Consul at Cienfuegos to
Consul General.

U. S. Consulate
Cienfuegos June 4th. 1883

Hon: Adam Badeau
U. S. Consul General
Havana

Sir

Last Friday I received a letter from Arrieta notifying me that the time had come to dispossess Mackay of his vessel and asking me to intervene to lower the flag expressing respect for the same. I replied that I could not consider that proposition till after the dispossession of the master, accordingly he notified me that Mackay would be permanently dispossessed the next day. The next day

(Saturday)

(Saturday) the Collector issued an order directing Mackay to vacate. I then addressed the Captain of the Port inquiring as to the legality of the order and referring to the fact that my information from you was to the effect that the Governor General had suspended ? proceedings until you ? received instructions from Washington — I told him that I addressed him because of the natural character of his position, and because the material aid in such cases had to be furnished by him — He answered disclaiming any power in the matter — I thereupon replied to the effect that although the order appeared to be irregular and premature yet inasmuch as the appraisers (The Collector had notified Mackay that the appraisement of the vessel

vessel would take place at 8 o'clock A. M. to day) were to be appointed by him the master would immediately after the appraisment (an act in execution of the decision for the sale of the vessel) the master and crew would vacate taking with them the colors of the vessel. Accordingly the appraisment took place and the master and crew vacated the vessel carrying with them the flags and their personal effects.

× × × × × × × × × × × × × × × × ×

I have the honor to be
Very respectfully
Your obedient servant
(Signed) Wm P. Pierce
U. S. Consul

Inclosure N° 4
With Despatch N°
Letter from Consul General
to Consul at Cienfuegos.-

Havana June 6th. 1883

Wm P. Pierce Esq.
U. S. Consul
Cienfuegos.

Sir:

Your letter of June 4th inst is received, and copy will be forwarded to Washington.

I regret extremely that you should have relieved the Spanish Authorities from the responsibility of taking down the American flag.

Had I received an order from my superior officer to "Keep the flag flying," I would never have sanctioned its lowering without contrary orders, if I lost my place or my life.

I am

I am Sir:
Your obedient servant
(Signed) Adam Badeau
Consul General

Inclosure N° 5
With Despatch N°
Letter from Consul at
Cienfuegos to Consul-
General.

U. S. Consulate.
Cienfuegos June 11th. 1883.

Hon: Adam Badeau,
U. S. Consul General,
Havana.

Sir:

Your letter of the 6th. instant. has been received and it is with surprise I have read your accusation against me.

You are pleased to accuse me of violating an obligatory order and of relieving the Spanish Authorities from a responsibility - which rather than have done you would have lost your life.

A just and reasonable construction of the correspondence at

at this Consulate with the Consulate General and the Spanish Authorities will, in my opinion, warrant the conclusion that I have not violated any such order nor relieved the Spanish Authorities from any responsibility whatever.

Indeed I had supposed that, so far as Consular Authority extends, the etiquett relating to the American flag in a Consular district, and the occasions for its display are within the judgement of the Consular Officer. At least I had not imagined that you would speak of losing your place or life over a matter which the law regards as so trivial, or rather regards not at all, it belonging exclusively to the code of manners.

Had

Had I known my
action in the matter of the
flag would have met with
such serious displeasure, I
would doubtless have stated
facts to you of which you
are probably still ignorant.

I will thank you
kindly to inform me if
you have commented on
my action to the Department.

I have the honor to be
Very respectfully
Your obedient servant
(Signed) Wm P. Pierce
U. S. Consul

Inclosure N° 6
With Despatch N°
Letter from Consul General
to Consul at Cienfuegos.

Havana June 15th. 1883

Wm P. Pierce Esq.
U. S. Consul
Cienfuegos

Sir.

Your communication of the 11th inst., relative to your action in lowering the American flag from the brig "Nethe" is received.

I had informed the Department of my order to you to "Keep the flag flying", and when I announced as you stated that the Authorities were preparing to sell the ship the Department replied that it could give no "instructions which would lessen the responsibility of Spain." This message was repeated to you,

and

and your subsequent action was therefore in conflict with the general instructions of the Department as well as with the particular order given by me. You did not "keep the flag flying" and in this you lessened the responsibility of Spain.

As you apparently question my right to give you an order about the flag, I have to state that it is no mere question of manners or etiquette which is involved, as you suppose. In a foreign country, and especially in an international emergency, there is no point in regard to which Government officers have a more decided right to direct their subordinates; and none in which these are more strictly bound to obey.

Copies

Copies of this correspondence will be submitted to the Department.

I am Sir

Your obedient servant

(signed) Adam Badeau

Consul General

D'St Clair

PRESENT BY S.
JUN
21
1883
RECEIVED

No. 173 Consulate General of the United States.

Havana June 16th 1883

Adam Badeau

to the Department of State.

Subject: Acknowledging receipt of circular of May 21st ult.-

Inclosures

No 173 Consulate General of the United States

Havana June 16th 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

I have the honor to report my receipt of your circular of May 21st ult., announcing an amendment by Executive Order of that date to the Tariff of Consular Fees.

I am Sir

Your obedient servant

Adam Badeau

Consul General

DEPARTMENT OF STATE
JUN
21
1883
RECEIVED

Dr Sinclair

No. 174 Consulate General of the United States.

Havana June 16th 1883

Adam Badeau
to the Department of State.

Subject: Account for the quarter ending March 31st. 1883.

Inclosures

notarial fees - bills
des - salary - contingt. cl
fc & agent

No 174 Consulate General of the United States

Havana June 16th 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

I have the honor to transmit herewith my Accounts for Rent and Miscellaneous Expenses, as also Accounts for Clerk Hire, for the quarter ending March 31st. 1883, showing a balance due the United States of $882, 26, which I have carried to my Account Current for Salary and Fees, & forwarded this day to the Treasury, together with draft for the amount.

I have also the honor to forward my returns of Notarial Fees for the same period.

I am Sir, Very respectfully,

[illegible] Enclosures.

Your obedient servant

Adams Badeau.

Consul General

DATE.

2

UNITED STATES CONSULATE GENERAL AT HAVANA.

Notarial

Fees received during the Quarter ending March 31, 1883.

DATE.	No.	NAME OF VESSEL.	NAME OF THE PARTY PAYING THE FEE.	NATURE OF SERVICE RENDERED.	AMOUNT OF FEES PAID.	TOTAL.	REMARKS.
1883			Amt brot over		$ 6 -	$ 8250	
Feby	24	Bodenmann & Co	Auth Power atty Inv	#6	2		
	"	J B. Romero	" " "	#7	2		
	"	M Gomez	" " "	#8	2		
	"	G W Michaelsen & Co	" " "	#9	2		
	"	Fdo Hidalgo & Co	" " "	#10	2		
	"	Julian Alvarez	" " "	#11	2 "	18	
	26	J F. Bermudez	" " "	#12	2		
	"	R. Aldones	" " "	#13	2		
	"	Fco Garcia	" " "	#14	2		
	"	P F. Lopez	" " "	#15	2		
	"	Bock & Co	" " "	#16	2 "	10	
	"	R C. Kohly	" " "	#17	2 .	2	
		Total January & February				$ 11250	
Mar	1	Jose Linuary Pana	Auth 3 Ctrt Doc		$ 6		
		J de Cardenas	" 1 affid		50 "	650	
"	2	Olloyarreta	" Power atty Inv #18		2 - "	2 -	
"	3	Juan O'neill	" " " #19		2 - "	2 -	
"	7	Ortaan	" " " #20		2 - "	2 -	
"	9	J. Lima y Pana	" 2 Ctrt Doc		4 -	4	
"	10	Rivadago	" Power atty		2 -	2 -	
"	12	J. Linuary Pana	" Not Document		2 - "	2 -	
"	13	Juan Reina	" " "		2 - "	2	
"	14	Fco de Arcila	" " "		2 -		
"	"	"	" Power atty		2 -		
"		G A Baré	" 1 affidavit		50		
"		Carlos Ramos	" Not. Leg		2 - "	650	
"	15	Banco del Comercio	" " Doc		2 -		
"		Mrs J. Alfonso	" Power atty		2 -		
"		R B. Ely	" Leg & deed		2 -		
"		P C. Bombalier	" 1 affidavit		50 "	650	
"	16	F Gonzalez Mendoza	" 2 Not. Docs		4 -		
"	"	" "	" Power atty (2)		4		
"		H Brunemann	" " Inv #21		2 -		
"		J. F. Bernheim	" " " #22		2 -	12 -	
"	17	L. Marx	" " " #23		2 -		
"		Patrocinio Arroso	" "		2 "	4	
"	19	L. Lay	" Legs & deed		2 - "	2 -	
"	20	J G & Dreu	" Not. Leg		2 -		
"	"	"	" Leg. & Doc		2 - "	4	
"	21	Dolores Vasquez	" " Not. Doc		2 -		
"		P. J. Bordia	" Power atty		2 - "	4 -	
"	24	M Cotero & Co	" " " Inv #24		2 -		
"		D Moritz	" Leg. & Doc		2 - "	4 -	
		Forward				$ 178 -	

UNITED STATES CONSULATE GENERAL AT HAVANA

Fees received during the Quarter ending March 31st, 1883.

DATE.	No.	NAME OF VESSEL.	NAME OF THE PARTY PAYING THE FEE.	NATURE OF SERVICE RENDERED.	AMOUNT OF FEES PAID.	TOTAL.	REMARKS.
1883			Amount brot over			$178-	
Mar	28	E Carruncho	Cert Invoice Mdse #25		2-		
		Carlos Martí	"	1 affid	50	250	
"	29	J.B. Balcells	"	C.H. Sig	2-	2	
	30	J.D. Cotiart	"	affid to Patent	50		
		Adela Guardia	"	" 4 pcks of Goods	4-	450	
"	31	Jos Hernandez	"	Not Doc	2-	2-	
				Total for quarter		$189-	

U.S. Consulate General
Havana March 31st 1883
Adam Badeau
Consul General.

Jos. H. Springer
U.S. Consular Clerk

UNITED STATES CONSULATE GENERAL AT HAVANA.

Fees received during the Quarter ending , 188 .

DATE.	No.	NAME OF VESSEL.	NAME OF THE PARTY PAYING THE FEE.	NATURE OF SERVICE RENDERED.	AMOUNT OF FEES PAID.	TOTAL.	REMARKS.
							Consular Fees received to Quarter 1883 $ 1.50
							U.S. Consulate General Havana March 31/1883 Evan Pedersen Consul General

UNITED STATES CONSULATE GENERAL AT HAVANA

Notarial Fees received during the Quarter ending March 31, 1883.

REMARKS.	DATE.	No.	NAME OF VESSEL.	NAME OF THE PARTY PAYING THE FEE.	NATURE OF SERVICE RENDERED.	AMOUNT OF FEES PAID.	TOTAL.	REMARKS.
	Jany	4		R. Arango	Auth. Power atty	2 -	2 -	
	"	5		Juan Mate	" Acknt	2		
		"		José Meilhé	" 4 Not: Legs	8	10 -	
	"	10		R. Rafael	" 4 affidants	2	2	
	"	11		Lobe + Co	" Ct. Sig	2		
		"		L. de la Rua	" Sig to deed	2 -		
		"		R. Aguirra	" Power atty	2 -		
		"		"	" 2 declarations	1 -		
		"		"	" Sig: to Transfer	2 -	9	
	"	12		Leon Legay	" " of Acnts	2 -		
		"		J. Arrisa	" 2 Not: Docs	4 -	6 -	
	"	13		L. Marx	" dec: to Patent	50	50	
	"	18		F. Pepperrade	" Sig to Power atty	2 -	2 -	
	"	20		G. de Ford	" Sig of doct	2 -	2 -	
	"	22		G. Gabancho	" Ct. Sig	2 -	2 -	
	"	25		H. Gas Co	" Not. Sig	2 -	2 -	
	"	27		Aut. Arazoza	" 2 Not: Docs	4	1	
		"		R. Arango	" Sig to Transfer	2 -	6	
	"	31		J. M. Castro	" 2 affid: to Sig	1 -		
				J. M. Alonso	" Sig: to Power atty	2	3	
				Total for January			$46 50	
	Feby	3		F. Aguramonte	Auth cert: citizenship	2 -	2	
	"	6		Enrique Conill	" Transfer Ships Docs	2 -	2 -	
	"	7		Ramon Aguirra	" Power Atty	2 -		
		"		Manuel Aguirra	" " "	2 -		
		"		José Ballot	" " "	2 -	6 -	
	"	8		Aut. Veytia	" " "	2		
		"		P. Machado	" Cert: citizenship	2		
		"		J. B. Bendes	" Off: sig:	2	6 -	
	"	9		G. F. de Ford	" Sig: 2 affidants	1	1	
	"	14		M. Mora y Ramos	" Sig: Power Atty	2	2 -	
	"	19		Morrison Bros	" Not: Sig:	2 -	2 -	
	"	21		Miguel Thomas	" " "	2 -		
		"		Martinez Hos	" Power Atty for Ins #1	2 -		
		"		Jno Alvarez	" " " " " #2	2 -		
		"		W. H. Goodrich	" 1 affidavit	50		
		"		F. Nuñez	" Not: Sig	2 -	850	
	"	22		E. Wilson	" 1 affidavit	50		
		"		Miguel Barbarrosa	" Act to mortage	2 -	250	
	"	24		R. Brey & M.	" 2 Not: Docs	4 -	4 -	
		"		A. Sclué	" Power atty for Ins #3	2		
		"		Lobeck + C	" " " " #4	2		
		"		Pomeleau	" " " " #5	2		
				carry over			# 6 - #8250	

Telegram- Cipher.

Consulate General
Havana June 18th 1883

Frelinghuysen.
State Department
Washington D.C.

Sale suspended, 2nd Governor General awaits instructions from Madrid.

Badeau.

DEPARTMENT OF STATE
JUN
26
1883
RECEIVED

Ans. July 3/83 Mr. Hewitt June 29/83.

Mr Clair

No. 175 Consulate General of the United States.

Havana June 20th 1883

Adam Badeau
to the Department of State.

Subject: Correspondence of Consul General with Consul at Cienfuegos for lowering the American flag from brig "Nettie" against instructions to the contrary.

Inclosures

No 175 Consulate General of the United States

Havana June 20th 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

Referring to my Despatch No. 172 of June 15th inst., and to No. 174 of June 14th inst., from the Consul at Cienfuegos, relative to the action of the said Consul in lowering the American flag contrary to my orders - I have the honor to state, what is doubtless apparent to the Department, that the Consul entirely misapprehended my object in directing him to keep the flag flying. This was not simply, or even principally, to support the dignity of

of the flag, but to maintain the principle that the ship was still an American ship, and that the Spanish Authorities had no right over her, their action being considered illegal and contested by me, as it has since been by the Department. The Department also having informed me that it did not wish to lessen the responsibility of Spain, I was particularly desirous that, if the flag was to be lowered, this should be done by Spanish officials, who would then be obliged to contemplate a serious responsibility, which they might very naturally decline, or for which, if taken, they could eventually be brought to account. All the ceremony and honor imaginable paid to the flag could not atone for its seizure or lowering by

by foreign officials without the consent of American representatives. As the Consul does not seem able to grasp this idea, I have said nothing further to him than appears in the correspondence forwarded with my No. 172.

I should be glad, however, to learn if the views expressed in my letter to him in regard to my authority and his duty in such cases, and in regard to the importance and significance of the act in question are concurred in by the Department. It might very well happen here that the lowering or maintaining the American flag would have a far greater meaning than in the present instance; and the instructions of the Department to me might be utterly set at naught, if subordinate Consuls take upon themselves

themselves to carry out my instructions or not, as they deem most appropriate.

I am under the impression that the Consular Officers in this Island have been used to taking matters very much into their own hands, without much reference to the Consul General; and if the department prefers this course, I shall be glad to be notified. I at least will endeavor to carry out the instructions of my superiors, whether or not they suit my convenience, and whether or not ~~they do~~ appear at the moment the best - imaginable, to one, who can not know all the circumstances with which the Department is familiar

I am Sir your obedient servant

Adam Badeau

Consul General

DEPARTMENT OF STATE
JUN
26
1883
RECEIVED

D'H Clair

No. 176

Consulate General of the United States.

Havana June 24th 1883

rec'd. duplicate 29/83.
Mr. adee

Adam Badeau
to the Department of State.

Subject: Forwarding application of Mrs Martinez, mdm of an American citizen

1 Inclosures

No 176 Consulate General of the United States

Havana June 20th 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

I have the honor to transmit herewith an application of Mrs Martinez, widow of an American citizen, and under your instructions, Despatch N° 8 of January 16th. 1883, to inquire whether I am to press this claim upon the Cuban authorities.

I am Sir

Very respectfully

Your obedient servant

Adam Badeau

Consul General

Inclosure N° 1. - Application of Mrs Martinez

Claim of Mrs Soledad Sola de Martinez, widow of F. J. Martinez Esqre in the name of her children

The House N° 31 Campanario St City of Havana, was seized by the Sp. Govt on the 26th of Oct. 1869 from F. J. Martinez Esq. then a resident of the City of N. Orleans La; At the death of F. J. Martinez, the House was given back to his children as per order from the Spanish govt of Dec. 18th 1876. On receipt of the order, Mrs Martinez proceeded to the House then occupied by a company of the police known as "Orden Publico" and requested them to remove from the place. Under the pretext given by the chief of Police, Coronel Ricardo Sandoz, that he could not find another House to establish his quarters, Mrs Martinez could not obtain the removal of said police force, until the end of April 1877. when the House was left in the most fearful state, (all the gas & water pipes having been torn away from the walls).

Mrs Martinez in the name of her children claimed from the Spanish Govt the House rent, from the date order had been given to return the House, to the moment it was left by the "Orden Publico".

Inclosures

Her claim was found just by Capt. Gen.
Jovellar, in the year 1877 - but although
said Capt General promised to give order
for payment of claim, nothing has been
obtained.

In June 1878 Mrs Martinez had
to pay the taxes corresponding to the year 1876
year in which the House was still seized
and the Govt getting all the benefits of it.

Under the threat of seizing the House again
she paid $122.40 gold. Amt of taxes corresponding
to the year 1876 as above said and as
per receipts she holds in her power.

The House was rented before and
after being seized at the rate of $20 gold
a month and the claim is based on that
figure -

4 months @ $20 -	$ 80 -
1 Year Court -	" 122.40
Sp. gold	$ 938.40

All documents proving the House rent,
the taxes to have been paid & also $2000 -
to have been paid for repairs made in the
House are at the disposition of the
Consul general of U.S. in Havana -

Soledad Sola de Martinez

June 18th 1883 -

D'St Clair

DEPARTMENT OF STATE
JUN
26
1883
RECEIVED

No. 174 Consulate General of the United States.

Havana June 20th 1883

Adam Badeau
to the Department of State.

Subject: Acknowledging receipt of Despatch No 34 of June 12th inst

Inclosures

No 177 Consulate General of the United States

Havana June 20th 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

I have the honor to report my receipt of your Despatch No 37 of June 12th inst relative to my purchase of furniture in New York for this Consulate General and the importation thereof into Cuba.

I am Sir

Your obedient servant

Edwin Badeau

Consul General

Copy to the Legation at Madrid. Follows by the point. 10 Jul

Hck. WL

DEPARTMENT OF S.
JUN
26
1883
RECEIVED

D'H Clair

No. 178

Consulate General of the United States.

Havana June 20th 1883

Adam Badeau
to the Department of State.

Subject: Fines on American vessels —

Inclosures

No 178 Consulate General of the United States

Havana June 20th 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

Referring to my despatch No. 154 of June 12th inst and to your various communications on the subject of the fines imposed on the masters of vessels on account of incorrect manifests, I have now the honor to report that in an interview yesterday with the Governor General, he informed me that he had suspended action in all the cases of this character now pending, and applied for fresh instructions on the entire subject from Madrid

his

his own opinion having been expressed to his Government in favor of the principle contended for by the United States in your Despatch N° 690 of Nov. 7th. 1882, and which I was directed to maintain - namely that a penalty for a fault should follow the original responsibility thereof

I am Sir

Your obedient servant

Adam Badeau

Consul General

Telegram - Cipher

Consulate General of the U.S.
Havana June 21. 1883

Frelinghuysen
State Department
Washington

Governor General consents to suspend sale until your written instructions of this date arrive

Badeau

"Havana"

Telegram - Cipher

Consulate General of the U.S.
Havana June 21. 1883

Frelinghuysen
State Department
Washington, D.C.

Spanish Government
have telegraphed. If sale
of "Pettie" is according to
law it is to proceed. I still
maintain with Governor
General, according to your
instructions of June 13th that
sale is illegal. Will you
authorize me to demand
that Spanish Government
shall decide the law? Please
answer promptly

Badeau

K. offprove
Ris action rel to
copy to Hartford

To Hartford 10 July

DEPARTMENT OF S.
JUN
26
1883
RECEIVED

acknd July 31

D. H. Clair

No. 179 Consulate General of the United States.

Havana June 21st 1883

Adam Badeau
to the Department of State.

Subject: Fines imposed on the American brig Nettie for alleged smuggling.

Inclosures

No 179. Consulate General of the United States

Havana June 21th 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

Referring to my previous despatches on the subject of the "Hettie", and to my N°. 170 of June 14th inst. I have the honor to report that on the 14th June inst I received your telegram in cipher to the following effect:

"June 14th. 1883.

"Badeau Consul General

Havana

Agents of Hettie state their readiness to give bond for appraised value of vessel, six thousand four hundred fifty

eight

eight dollars; but will not guarantee any eventual fine beyond that amount. You may communicate this as proposition of interested parties, but not involving guarantee on the part of this Government.

Frelinghuysen."

To this I replied on the 15th June inst, also in cipher, to the following effect:

"June 15th. 1883.

Frelinhuysen
State Department
Washington D.C.

Your cipher telegram of fourteenth just received. May I withhold proposition till eighteenth. I still hope your spirited message of thirteenth may secure unconditional release.

Badeau."

On the 17th June inst I received

received your telegram in cipher, to the following effect.

"Withhold propositions as suggested. Meanwhile urge release of vessel and unconditional reference to Madrid. We hold that intention can not be punished without reasonable apprehension of its attempted execution, and that in this case whatever intention may be inferred from first manifest was made incapable of execution by presentation and acceptance of correct manifest. In any event ask suspension of sale until instructions reach you by next mail; if release and reference be refused, owners will give bonds for appraised value to Spanish Consul, New York; but this Government does not officially sanction such course."

Upon

Upon the receipt of this telegram
1/ I addressed a communication
to the Governor General, a copy
of which is enclosed, which I
bore him in person, and
urged his compliance with
your request. He said that
the Collector at Cienfuegos was
about to be removed, and he
could more easily accede
after that occurrence; but
when I spoke of unconditional
release he remarked that the
press would attack him if
he consented to this. I urged
that, in view of the feeling
in both countries in favor
of closer commercial relations,
it would be wise to avoid
anything likely to create
dissatisfaction. He finally
promised to delay until I
could have time to receive
your instructions by the next
mail after that date June 17th.

The

The same day he

2/ sent me a communication, a copy and translation of which are enclosed, informing me for the first time that he had already, on the 5th inst, applied to Madrid for instructions, and that he had just telegraphed for permision to suspend the sale until the Minister of the Colonies could receive his written despatch.

To this I replied in a

3/ communication a copy of which is enclosed; this letter was in Spanish because I have been in the habit of writing personal notes to him in that language whenever I wished to acknowledge a courtesy, and I thought it wise to indicate a personal satisfaction in this instance in the same way.

I also telegraphed the Department as follows.

"June

"June 18th. 1883.

Frelinhuysen

Washington D.C.

Sale suspended and
Gvernor General awaits
instructions from Madrid

Badeau."

On the 20th inst., at 9. P.M.
4/ I received a communication
from His Excellency, stating
substantialy that the Minister
of Ultramar had telegraphed
him to proceed with the sale,
if it was according to law;
a copy of this letter and its
enclosure are forwarded here-
with. My residence being
out of Havana, and I having
been medically advised not
to enter the city after nightfall,
5/ I sent Mr a note requesting
an interview this morning
at ten o'clock, and particularly
requesting that he would take
no further steps in the
meantime

meantime. He was holding a Saints Day reception and sent me a verbal answer that he would be happy to see me this morning at ten. He also informed an officer of this Consulate General that he would direct his subordinates to proceed slowly.

I telegraphed the Department at an early hour this morning, in cipher, as follows

June 21st. 1883.

Frelinghuysen
State Department
Washington D.C.

Spanish Government have telegraphed if sale of "Hettie" is according to law, it is to proceed. I still maintain with Governor General, according to your instructions of June 13th, that sale is illegal. Will you authorize me to demand that

that Spanish Government shall decide the law. Please answer promptly

Badeau."

At ten o'clock this morning I waited upon M. E. and particularly urged the view that his Government had not definitely instructed him; that it had not decided what was the law, but had directed him, if the sale was in accordance with law, to proceed. I maintained that it was not in accordance with law, and stated that I knew that the Collector of this port had stated in a formal consultation; and that the legal gentlemen whom the Treasury had officially consulted had so advised. His Excellency did not deny either of these statements, but said that the Treasury had

over-

over-ruled the contrary opinion.
He was inclined to urge
that the despatch from his
Government meant that if
the sale was according to
the forms of law he should
proceed. I contended that
"con sujeccion á las leyes"
meant "in accordance
with legal principles." I
stated that the responsibility
would be thrown upon him
of determining a point
of law on which a foreign
Government took a decided
and contrary stand. He
declared again and again
that he had no responsibility;
and I constantly urged that
the question of law was
for the Supreme Govern-
ment: that the Government
of the United States was
not likely to accept the
dictum of any authority
under

Lower than a Government
in contravention of its views.

N. E. finally declared
that he would consult the
Government again, and
promised that the suspension
should certainly be continued,
as he had originally agreed,
until I could receive the
written instructions of
this date which you
might forward.

I there upon despatched
the following telegram in
cipher to the Department

" June 21st. 1883.

Frelinhuysen
State Department
Washington D. C.

Governor General consents
to suspend sale until your
written instructions of this
date arrive.

Badeau."

I have the honor to be Sir

Very

Very respectfully
Your obedient servant
Selkirk Bullock
Consul General

List of Inclosures.

No 1 – Letter from Consul General to Governor General June 17/83

No 2 Letter from Governor General to Consul General with translation June 17/83

No 3 Letter from Consul General to Governor General with translation June 17/83

No 4 Letter from Governor General to Consul General with translation June 20th/83

No. 5. Letter from Consul General to Governor General June 20th. 183.

Lower than a Government
in contravention of its views.

H. E. finally declared
that he would consult the
Government again, and
promised that the suspension
should certainly be continued,
as he had originally agreed,
until I could receive the
written instructions of
this date which you
might forward.

I there upon despatched
the following telegram in
cipher to the Department

"June 21st. 1883.

Frelinghuysen
State Department
Washington D. C.

Governor General consents
to suspend sale until your
written instructions of this
date arrive.

Badeau."

I have the honor to be Sir

Very

Very respectfully
Your obedient servant
Wellington Ballenden
Consul General

List of Inclosures.

No 1 – Letter from Consul General to Governor General June 17/83

No 2 Letter from Governor General to Consul General with translation June 17/83

No 3 Letter from Consul General to Governor General with translation June 17/83

No 4 Letter from Governor General to Consul General with translation June 20th/83

No. 5. Letter from Consul General to Governor General June 20th. 183.

Inclosure No. 1
With Despatch No. 179
Letter from Consul General
to Gvernor General

Havana June 14th. 1883

His Excellency
The Gvernor General
Excellency:

I have the honor to state that I have this day received by cable the following instructions from my Government, with reference to the "Nettie". Urge release of vessel and unconditial reference to Madrid. We hold that intention can not be punished without reasonable apprehension of its attempted execution, and that in this case whatever intention may be infered from first manifest was made incapable of execution by presentation and acceptance of correct manifest.

Gv

In any event ask suspension
of sale until instructions
reach you by next mail

I have the honor to be
Y.E's most obedient servant
(signed) Adam Badeau
Consul General

Inclosure N° 2
With Despatch N°. 179
Letter from Governor General
to Consul General.-

Sir Consul General de los
Estados Unidos de America.

Mi estimado amigo: Tengo el gusto de participarle que hoy pido por el cable al Sr Ministro de Ultramar me autorice para suspender la venta del "Nethe" anunciada para el dia veinte, hasta que S.E. vea el expediente que salió por el correo del cinco del actual; cuya peticion hago en el deseo de atender al ruego manifestado por vd hoy consecuente a despacho recibido de su Gobierno.

Queda de vd affmo amigo SS.
q. b. s m.
(firmado) Luis Prendergast
June 17/83.

Inclosure No 2
With Despatch No: 179
Translation of letter from
Governor General to Consul
General.

To the Consul General of
the United States of America.

My distinguished friend:
I have the pleasure to inform
you that I have applied by
cable to the Minister of the Colonies
for authorization to suspend the
sale of the "Nettie", announced for
the 20th inst.; until H. E. can
inspect the documents which
started by the mail of the 5th inst;
which application I make
in the desire to comply with
the request made by yourself
to-day, consequent upon the
Despatch received from Your Govern-
ment.

I remain yours truly
(Signed) Louis Prendergast
June 17/83.

Inclosure N° 3
With Despatch 179.
Letter from Consul General
to Governor General

Habana Junio 17 de 1883.

Exmo Sr

Gobernador General

Mi muy distinguido amigo:

Tengo el gusto de participarle á V.E. que he recibido su atenta de esta fecha, informandome que VE ha pedido por el cable al Sr Ministro de Ultramar autorizacion para suspender la venta del "Hettie," anunciada para el dia veinte, hasta que S.E. vea el expediente que salió por el correo del cinco del actual; y que V.E. ha hecho esta peticion con el deseo de atender al ruego manifestado por mi, consecuente á despacho recibido

bido de mi Gobierno.

Pido a V.E. de oirse recibir mi mas sincero agradecimiento por esta nueva cortesia que tendré mucho gusto de informar á mi Gobierno

Quedo de V.E. affmo S.S.

q. b. s. m.

(Signed) Adam Badeau

Consul General

Inclosure No. 3
With Despatch No. 179
Translation of letter from
Consul General to Governor
General.

Havana June 17th, 1883

His Excellency
The Governor General
My distinguished friend.

I have the pleasure to
inform Y.E. that I have
received your favor of this date,
announcing that Y.E has
applied by cable to the Minister
of the Colonies for authority to
suspend the sale of the "Nethe",
published for the 20th inst., until
H. E can inspect the documents
which started by mail on the
9th inst, and that Y.E has
made this application with
the desire to comply with the
request made by me consequent
upon the Despatch received from

My

my Government

Beg Y.E. to accept my sincere acknowledgements for this new courtesy which I shall have great pleasure in communicating to my Government.

I remain

Y.E's most obedient servant

(Signed) Adam Badeau

Consul General

Inclosure No 4
With Despatch No 179
Letter from Governor General
to Consul General

En el dia de hoy he recibido del Excmo Sr Ministro de Ultramar el telegrama siguiente contestacion al mio del 17 actual

"Si venta bergantin "Rethe" "se hace con sujecion leyes "haga VE presente Consul, "que deber cumplirlas es "en esta ocasion tan penoso "como cupone imposibilidad "acceder deseos de su Go- "bierno á quien el de "España tanto considera."

Y resultando que la venta se ha dispuesto con sujecion á las leyes por la Autoridad administrativa que corresponde, esta se llevará á efecto en cum-

plimiento

plimiento del telegrama
inserto, cesando desde luego
la suspension que se
habia dispuesto en espera
de la decision del Gobierno.

Dios guarde á V. m.s a.s
Habana 2 de Junio de 1883.
(firmado) Luis Prendergast

Sr Consul General de los
Estados Unidos de America

Inclosure N° 4
With Despatch N° 179
Translation of letter of
Governor General to Consul
General

I have today received from
H. E. the Minister of the
Colonies the following telegram
in reply to mine of the 17th
inst:

"If the sale of the brig
"Hettie" is made according
to law you will inform
Consul that the duty of
complying is on this occasion
as painful as it impresses
the impossibility of acceding
to the wishes of this Govern-
ment, for which the
Government of Spain has
such high consideration."

And as the sale has
been ordered in accordance
with law by the administrative
Authorities

authorities in the premises, it will go into effect, in obedience to the enclosed telegram, the suspension which has been ordered while awaiting the decision of the Government, ceasing at once.

God grant you many years

Havana June 20th 1883

(Signed) Luis Prendergast

To the Consul General of the United States of America.

Inclosure No 5
With Despatch No 179.
Letter from Consul General
to Governor General

Vedado June 20th. 9. P. M.

His Excellency
The Governor General
Excellency

I have this moment received Y. E's note enclosing copy of telegram from the Minister of Ultramar and will wait on Y.E. at ten o'clock to-morrow Thursday morning, or earlier if Y. E. appoints; and beg particularly to request that Y. E will take no steps in the matter until I can have the opportunity of an interview.

I have the honor to be
Y E's most obedient servant
(signed) Adam Badeau
Consul General

authorities in the premises, it will go into effect in obedience to the enclosed telegram, the suspension which has been ordered while awaiting the decision of the Government, ceasing at once.

God grant you many years

Havana June 20th 1883

(Signed) Luis Prendergast

To the Consul General of the United States of America.

Inclosure No 5
With Dispatch No 179.
Letter from Consul General
to Governor General

Verdun June 20th. 9. P. M.

His Excellency
The Governor General
Excellency

I have this moment received Y. E's note enclosing copy of telegram from the Minister of Ultramar and will wait on Y.E. at ten o'clock to-morrow Thursday morning, or earlier if Y. E. appoints; and beg particularly to request that Y. E will take no steps in the matter until I can have the opportunity of an interview.

I have the honor to be
Y E's most obedient servant
(signed) Adam Badeau
Consul General

Dft Clair

Rec'd June 28/83.

DEPARTMENT OF STATE
JUN
20
1883
RECEIVED

No. 180 Consulate General of the United States.

Havana June 21st 1883

Adam Badeau

to the Department of State.

Subject: Appointment by Mr Polleys of a commercial Agent at San Juan de los Remedios.

Inclosures

No 180 Consulate General of the United States

Havana June 21st 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

Referring to my Despatch No. 171 of June 14th relative to the action of the Comil Agt. at San Juan de los Remedios, I have the honor to report that having telegraphed to him on the 14th. instant that he should wait till he heard from me before leaving his post, I received a telegram in these words in reply:

"Commercial Agent has left here for the North.

Gumtero"

I had also written on the

14th

14th inst. to the Com. Agent,
a letter, a copy of which is
enclosed, informing him
that Consuls have no power
to appoint temporary substitutes,
but that if he would furnish
me satisfactory information
in regard to Mr Quintero, I
could approve the nomination.
On the 17th inst, I received
a communication from
Mr. Quintero, a copy of which
is also enclosed, from which
it will be seen that Mr.
Polby left his post a month
" ago. On the 18th I addressed
to the Governor General a letter
stating my authority under
the circumstances to appoint
a temporary substitute, with
his sanction, and requesting him
to grant the same. A copy
of this letter is also enclosed.
Having been informed
verbally this day by H. E
that

that his consent had been sent to me in writing, I have telegraphed Mr. Quintero to take charge temporarily of the offic at San Juan.

In this connection I have to state that I have been informed from several sources that Mr. Quintero is not particularly well qualified for the position, but that knowing no one else at all suitable, I simply appointed him in order to protect the property and papers and seal of the Consulate, until the Department could take better action in the premises.

I am
Sir
Very respectfully
Your obedient Servant
Wm. Ballenn
Consul General.

Enclosure No
With Despatch No
Havana June 21. st 1883.
Copy

Mr. Adam Badeau
Consul General
Havana

Dear Sir;

I have just received a telegram for W. H. Polley Commercial Agent for the U. S. in San Juan de los Remedios. Mr. Polley about a month ago asked permission to go to the States, and it was granted for 60 days. He begged me to take his place and I several times told him I could not, because he did not do things properly; at last I without wishing to be in his place, I told him I would remain for him here, or until they would relieve me; and I

went

went over the U. S. Consular Regulations, and referred him to some paragraph in regard to his leaving and not saying a word or appointing (by) some one for him; and he told me that the Government had nothing to say, that they had given him leave of absence for 60 days, and no body had any-thing to say. I feel very naturally hurt, that is to say that I consider I am occupying a place that perhaps it is not lawful, still I think I have done a good service to the Nation to keep it still and to wait for orders. I am willing to fill Mr Polleys place, but not for a time, but for good. I have done Mr. Polley all I could, and he did not even tell the authorities here of his absence, and if it were not because I did it

and

and they know me here, my signature would have been worth nothing.

Mr. Polleys left here on the 5th inst. on board S.S "Jeanie" and until further orders I am in his place. I wrote you, and sent at the same time a copy of Mr. Polleys letter to the State Department, and to you, because I supposed he did not send the original for I have suspicion to believe he forgot to mail it, although I myself wrote it.

Your telegram I answered on receipt of same.

Please to write me particularly for as I say I dont quite feel all right with Mr. Polleys doings.

I also received a letter from the Secretary of State in regard to resignation of Mr. Fuentes ~~Polleys~~ as Vice Commercial Agent. and for Commercial Agent here

here to appoint one: and now
I would ask you if you could
appoint me, or to let me know
what steps to take so as to
do so.

I hoping soon to hear
from you

I remain dear sir
Your obedt. Svt.
(Signed) Justo J Quintero.
Cabarian June 15/83

Telegram- Cipher

Consulate General

Havana June 23rd 1883.

Frelinghuysen

State Department

Washington D.C.

Reported your message of yesterday verbatim, to Governor General. He writes me today as follows- In the present state of the affair, Diplomacy directed by the Secretary of State through your representative of this Government at Madrid, negotiation with the Government of Spain appears to me the only means by which to obtain what is desired. I have answered that I considered this to be concurrence with your request, & that I have so telegraphed you.

Badeau.

DEPARTMENT OF S.
JUN
23
1883
RECEIVED

Ans 7/11 Dft Clair

No. 181 Consulate General of the United States.

Havana June 23 1883

Adam Badeau
to the Department of State.

Subject: Transmitting a communication from the Consul at Cienfuegos

1 Inclosures

No 181 Consulate General of the United States

Havana June 23 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

I have the honor to forward herewith a communication addressed to me by the Consul at Cienfuegos which he has requested should be transmitted to the Department

I am Sir

Your obedient servant

Adam Badeau.

Consul General

Inclosure No 1. Letter from Consul at Cienfuegos to Consul General June 18th/83.

Duplicate

Rec'd June 22. 1883

United States Consulate

Cienfuegos June 18. 1883.

Hon. Adam Badeau,

U.S. Consul General,

Havana.

Sir:

Referring to your letter of the fifteenth inst. in relation to the flag of the "Nettie" I beg to submit to you and, through you to the Department some of my reasons for the course I deemed proper to pursue.

In the first place I beg to say that the only message originating at Washington I have ever received relating to the responsibility of Spain, and the one I presume you intended to refer to, was first made known to me by your letter dated the fourth inst.; and was not received until after the flag was lowered. It read as follows:

"Badeau

" Consul General

" Havana

" Information not sufficiently dis-

" inite to authorize detailed instruc-

tions which

"tions which may release Spain from responsibility

"Davis"

In the second place your telegram to "Keep the flag flying" was never construed by me to mean that the flag should be left flying in the event it became necessary to vacate the vessel. Your telegram was therefore misunderstood, although I submit if I gave it an unreasonable construction: It was telegraphed twelve days after the flag had been flying, after I had notified you that the authorities were content to let the flag continue flying, and after you had notified me that the Governor General had suspended proceedings against the vessel. Under these circumstances I was unable to believe that you had telegraphed in this brief and urgent manner about a contingency which you knew could not arise for a number of days, and when there was a daily mail between Havana and this place. The telegram was received on the twenty-fourth of May, and the flag was not lowered, until eleven days thereafter.

But-

But more than this, you not only telegraphed but you wrote me a letter, of which the following is a full and complete copy:

"Consulate General of the United States,
"Havana May 23rd 1883

"Wm R. Pierce
"U. S. Consul
"Cienfuegos

"Sir:

"I have to inform you that a telegram
"is forwarded you this day from this Consulate
"General in this words

'American Consul
Cienfuegos
Keep the flag flying
Badeau

"I am sir
"Very respectfully
"Your obedient servant
"Adam Badeau
"Consul General"

From this one might infer that you thought a letter was too slow to answer the purpose of your telegram, else why was the letter not more explicit?

Had

Had you only added the word forever after the word flying, or if you had only intimated that the telegram was for future and not for immediate purposes, Mr. Mackay would probably have not only "kept the flag flying" but would have left the flag flying as you intended.

This much for what I thought your brief dispatch did not mean; I beg to state now what I thought it did mean. I construed it to mean that you apprehended I might take the flag down during the suspension of procedings against the vessel, and you wished to caution me against doing so. You telegraphed me late on the afternoon of the twenty second of May in these words: "Governor General has ordered procedings against vessel suspended until I receive instructions", and your next telegram, received in less than two full days thereafter, instructed me to "Keep the flag flying." I submit to your own candid judgment, if it was not more reasonable in me, (considering that there is a daily mail between Havana and this place) to construe the latter telegram in connection with the former one, instead of

Construing

Misc

ROBERT L. HARRISON,
Attorney and Counsellor,
Notary Public.

38 Pine Street, New York,

DEPARTMENT OF STATE
JUN 30 1883
RECEIVED

ack & Mr St Clair
approve - Sid so 1/183, July

June 29th 1883

Hon Fred'k. T. Frelinghuysen
Secretary of State
Dear Sir:

I beg to enclose herewith bond for G. Harrison Smith Vice & Deputy Consul General of the United States at Berlin Germany duly approved by Elihu Root Esq U.S. District Attorney for the Southern District of New York —

Respectfully yours
Ro: L. Harrison

com. & dip
Pass.
2 July 83.

construing it as you intended in connection with the future ejectment of the master. I had nothing else to go by, for not one word of instruction, more than stated, did I ever receive from you, either by wire or by letter, in relation to the flag, until after it was lowered by the master, upon the occasion of his ejectment from the vessel. I submit to your candid judgment whether under all the circumstances I was not justified in construing your two telegrams in this way:-

"Governor General has ordered proceedings against vessel suspended until I receive instructions"

but "Keep the flag flying."

More than all this, I beg to invite your attention to another matter that was calculated to defeat your intentions: I had informed you in my letter of the nineteenth of May that in replying to Arrede "I declined to intervene to lower the flag until he had dispossessed the American master & crew"; thus evidencing to you that I had thereby encouraged the belief that I might intervene to lower it upon their permanent dispossession. This then being the case how else could I construe the following extract from

from your letter of May twenty fifth, except as an approval of my entire action and purposes:

"All of your proceedings are approved by me
"and I have taken with the authorities here and
"the Department precisely the views expressed by yourself."

To say that I was not hurt with the severity of your official censure of my conduct toward the flag of our country, considering that it came in advance of calling for my explanation, and came from one Union officer to another, would be assuming an obduracy on my part, inconsistent with an ordinary degree of self respect.

To recapitulate my letter of the eleventh inst. and this letter, I beg to state confidently but very respectfully, that:

First, I have neither violated nor slighted your telegram to "Keep the flag flying," according to the construction I put upon it, and this I beg to affirm as a fact, without any opinion about it, however erroneous and unreasonable my construction of the telegram may have been.

Second, I have not, in my opinion, relieved the Spanish authorities of any responsibility by advising the master of the "Nellie" to lower and take his flag with him upon being ejected from that vessel. I am utterly at a loss to conceive how the attack upon American

glory

glory, or the insult to the American flag, which may have been occasioned by the various wrongful and coercive acts of the authorities, on board of and in relation to this vessel, could possibly be mitigated or condoned, by the immediate act of the master in lowering and bearing away her flag — especially since his immediate act in doing so, was the legitimate result of the said acts of the authorities themselves. Did General Anderson relieve the rebels from any responsibility, when, according to my recollection, he struck his colors and bore them away from Sumter? And even granting that the "Nellie" was a national vessel, representing the dignity and honor of our country, with complete extraterritoriality written upon her pennant and purity of purpose upon her manifest, I would still be under the impression that Captain Mackay, with his command of only eight men, after having made the gallant fight he did, could with propriety have taken from her mast, the emblem of his country's glory and saved it from the touch of ruthless hands, without in any wise relieving the Spanish authorities from the just consequences of their own wrongful and insulting conduct.

Third, I have acted, in my opinion, in this matter of the flag, within the scope of my exemptions

from

from your official authority — I say this, however, through no personal aversion to your authority, but simply as my opinion of the law and regulations; and, as indicated by my letter of the eleventh instant, had I realized the intention of your telegram to "Keep the flag flying" a proper regard for your feelings and your judgment would at least have induced me to confer freely with you before acting.

I intended to write and mail this explanation yesterday, but failed to do so. In view, therefor of my strong desire to have it forwarded to the Department in time to be considered with the correspondence you have already submitted, connected with the fact, as I understand, that only a few hours intervenes between its reception by you and the departure of Thursday's steamer, for you to peruse and have it copied, I take the liberty of enclosing a duplicate on dispatch paper, which I will thank you kindly to forward.

I have the honor to be

Very respectfully,

Your most obedient servant

W.m P. Pierce

U. S. Consul

Wilding
2
Dft clear

To Madrid 10 Aug

DEPARTMENT OF STATE
JUN 30 1883
RECEIVED

Ack'd July 31

No. 182 Consulate General of the United States.

Havana June 23d 1883.

Adam Badeau
to the Department of State.

Subject: Fines imposed on the brig "Nettie" for alleged smuggling

3 Inclosures

C.

No. 182 Consulate General of the United States

Havana June 23rd 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

Referring to my previous Despatches relative to the "Rethé", and especially to N° 179 of June 21st inst., I have the honor to report that on the 22nd inst., I received the telegram of the Secretary of State in cipher in these words:

" Badeau - Consul General

Havana

Whether the sale is legal or not is the very question referred to Madrid. Ask that Spanish Government consider facts and suspend decision until

until the United States Minister can present the case.

Frelin Frelinghuysen"

1/ I immediately addressed a communication to the Governor General repeating your message, copy of which letter is enclosed. This morning, June 23rd, I received H. E.'s
2/ reply, a copy of which is also enclosed. It will be seen that it does not state in so many words that the sale will be suspended and the matter referred to Madrid, although it asserts that diplomacy (la via diplomática) is the only means by which the desired result can be obtained. I at once replied
3/ in a letter a copy of which is enclosed, accepting H. E's communication as a compliance with your request, and, that there might be no room for doubt

doubt, informing him that I would so telegraph to my Government.

I did so telegraph to the Department in cipher in these words:

" Frelinghuysen
State Department
Washington D C.

Repeated your message of yesterday verbatum to Governor General. He writes me to day as follows: "In the present state of the affair diplomacy directed by the Secretary of State through the representative of his Government at Madrid negotiating with the Government of Spain appears to me the only means by which to obtain what is desired." I have answered that I consider this to be concurrence with your request and that I have so telegraphed

you

your

Badeau"

I do not think that there can be any deviation from this promise to which H.E. is thus held. The pledge is now made to the United States Government, and the language used by me in reply to his last letter is not I think susceptible of a double meaning. I think that I may safely congratulate the Department that it has stopped an illegal proceeding, and, after infinite trouble, succeeded by its energy and spirit in referring to the Spanish Government the high handed and unrighteous proceedings of its subordinates. Nothing short of the spirited stand taken by the Department in this matter could

could have accomplished
this result.

I have the honor to be Sir
Your obedient servant
Adam Badeau
Consul General

List of Inclosures

n° 1. Letter from Consul General to Governor General June 22/83.

n° 2. Letter from Governor General to Consul General & translation June 22/83

n° 3. Letter from Consul General to Governor General June 23rd/83

Inclosure N° 1
With Despatch N° 182
Letter from Consul General
to Governor General

Havana June 22nd, 1883.

His Excellency
The Governor General
Excellency:

I have the honor to state that I have this day received the following message by cable from my Government relative to the "Hettie"

"Whether the sale is legal or not is the very question referred to Madrid. Ask that Spanish Government consider facts and suspend decision until the United States Minister can present the case. Frelinghuysen"

I have the honor to be
Y. E's most obedient servant
(signed) Adam Badeau
Consul General

Inclosure N° 2
With Despatch N° 182
Letter from Governor General
to Consul General.

Muy Sr mio:

Enterado de su atento escrito de hoy, relativo al bergantin "Nettie" reitero á V.S. mis manifestaciones anteriores, que demuestran los deseos de que vengo animado á complacer en cuanto de mi dependa, los de V.S. y del Gobierno de que es muy digno Cónsul; pero no está en mis atribuciones oponerme á la decision de las Autoridades Administrativas, adoptadas en uso de las facultades que les conceden las Ordenanzas de la Aduana.

El Capitan del "Nettie" debió hacer uso del derecho que

que nuestras leyes le deban para alzarse de la providencia administrativa ante el Consejo de Administracion, si la considerara injusta. El abandono de ese importante recurso impide hacer mas yá en la via administrativa que es la correspondiente al caso por las leyes.

En el estado del asunto la via diplomática dirijida por el Sor Ministro Americano por medio del representante de su Gobierno en Madrid gestionando con el Gobierno de España me parece el único resorte para obtener los deseos que interesan

Es cuanto puedo manifestará V.S. para su conocimiento y fines que estime.

Dios guarde á V.S.

muchos

muchos años. Habana 22 de
Junio de 1883.
(Signed) Luis Prendergast.

Sr Consul General de los
Estados Unidos de America

Inclosure N°
With Despatch N°
Translation of letter
from Governor General to
Consul General

My dear Sir:

Having considered your favor written to day, relative to the brig "Nettie" I reiterate my former assurances which demonstrate the desire I entertain to comply, as far it depends upon me, with your wishes and those of the Government which you so worthly represent as Consul, but it is not in my power to oppose myself to the decision of the Administrative Authorities, adopted in the exercise of the faculties granted to them by the Ordenances of the Custom House

The Master of the "Nettie"

should

should have availed himself
of the right which our laws
gave him to appeal from
the administrative decree
to the Council of Administration
if he considered the decree
unjust. The abandonment
of this important recourse
prevents doing more at
this time by administrative
measures, which are
those applicable to the case
by law.

In the present state of the
business, diplomacy, directed
by the American Minister of
State by means of the
representative of his Govern-
ment in Madrid, negotiating
with the Government of Spain
appears to me the only means
to obtain what is desired.

Which I convey to you
for your information and
such use as you think

proper.

God grant you many years

Havana June 22nd 1883.

(Signed) Luis Prendergast

To the Consul General of
the United States of America.

Inclosure N° 3.
With Despatch N° 182
Letter from Consul General
to Governor General

Havana June 23rd 1883

His Excellency
The Governor General
Excellency:

I have the honor to acknowledge the receipt of your communication of the 22nd June inst. in reply to my own of the same date relative to the matter forwarding the request of my Government that "the Spanish Government suspend decision until the United States Minister at Madrid can present the case." I am happy to learn that Y. E. agrees that this is the only means by which the desired result can be obtained,

I infer from Y. E's communication and I will so report to my Government

to-day, that the matter will be at once referred to Madrid, so that the American Secretary of State by means of the representative of his Government there may conduct diplomatic measures with the Government of Spain.

I have the honor to be
Y E's most obedient servant
(Signed) Adam Badeau
Consul General

"Havana"

Telegram- Cipher

Consulate General Spn U.S.
Havana June 25. 1883

Frelinghuysen
State Department
Washington.

Just received the following from the Governor General.
"It is my duty to inform you in answer to your communication of yesterday that it is not in my power to wait the result of the negotiations that your government will make [Diriga conduct] at Madrid on the subject of the "Kettie". The suspension ordered by me on the 20th was denied by telegram from the government on the same day on account of which the sale of the "Kettie" will take effect on the 5th of next

next July as it is advertised in the official newspapers."

To this I replied:-

"It is with the most serious concern that I have the honor to acknowledge the receipt of your Excellency's communication of the 24th instant, stating that notwithstanding your Excellency's note of the 22d instant with regard to the "Kettie" in which your Excellency proposed that my Government should negotiate direct with Madrid through Mr Foster there. Your Excellency has now determined to proceed with the sale of the "Kettie" and not wait the result of the negotiations which your Excellency yourself suggested. I shall have the honor to report to my government this determination on the part of your Excellency and have no doubt it will be received with equal surprise and regret."

Badeau

DEPARTMENT OF STATE
JUL
6
1883
RECEIVED

Answ'd July 4/1883

No. 183 Consulate General of the United States.

Havana June 30th 1883

Adam Bideau

to the Department of State.

Subject: Claim of Mr Aurelio C. Silvera that as an American citizen he is not amenable to the proceeding of divorce—

Inclosures

No 183 Consulate General of the United States

Havana June 30th 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

I have the honor to report my receipt of your Despatch No. 57 of June 18 inst., in reply to my No. 116 of April 26th last and No. 163 of the 9th inst. as well as my telegram of the 29th ult., all in relation to the claim of Mr. Aurelio C. Silvera, that, as an American citizen, he is not amenable to the proceedings of divorce instituted by his wife under Spanish law.

The substance of your decision will be communicated to Mr

Silvera

Silvera, and my conduct in this and similar matters will be in conformity with its instructions

In this connection I beg to be allowed to state, that a full and authoritative exposition of the views of the Department on the question of domicile and the animus manendi, of American citizens of Cuban birth who have returned here, and, so far as appears, have the fullest possible intention of remaining, — would very much lessen some of the most onerous duties of this Consulate General, and remove many causes of urgent, if not irritating, discussion, between the authorities of Cuba and the representative of the United States.

I am Sir
Your obedient servant
Adem. Dudean
Consul General

Copy to Mr Foster
10 July
with other Cuban
instructions.

DEPARTMENT OF STATE
JUL
6
1883
RECEIVED

Rec'd July 31

Mr St Clair
Mr Uhl

No. 184 Consulate General of the United States.

Havana June 30th 1883

Adams Badeau

to the Department of State.

Subject: Proceedings against the American brig Nettie for alleged smuggling.

4 Inclosures

No 184 Consulate General of the United-States

Havana June 30th 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

Referring to my No. 182 of June 28th inst. relative to the proposed sale of the "Nettie", I have the honor to report that on the 26th inst. I received a communication from the Governor General of this Island, dated June 25th inst. stating that he could not postpone the sale of the "Nettie" until the result of the negotiations which he had proposed ~~that~~ you should begin at Madrid through the United States Minister there, could be known.

I replied to him at once stating my regret at this decision, not to ^ the result of negotiations which he had himself proposed. Copies of both these communications were forwarded to the Department on the same day by cable, and are also now enclosed in writing.

On the 28th I received a communication from His Excellency, a copy of which with translation is enclosed, in which he maintains that he had never promised the suspension of the sale of the Nettie until the result of the negotiations should be known; that the suspensions he had allowed had been matters of official and personal courtesy, and had rather transcended his powers; and that ^ as the master had not appealed through legal channels, he could not decide

adverssaly

adversely to the legality; all
of which the Department
will observe, was foreign
to the subject, and evaded
any answer to the demand
of the United States that
the question of the legality
of the sale should be referred
to Madrid. I accordingly
replied on the 29th inst.
in a communication of
which a copy is enclosed;
maintaining that no word
was said, proceeding with the
sale in the communication
of His Excellency proposing
the reference of the matter
by diplomatic channels to
Madrid; and that the question
was no longer what the master
had done or left undone, nor
whether the sale was legal,
but whether the Spanish
Government, on the request
of the United States, would
itself

itself decide the point of the legality. This same view I had already presented to His Excellency verbally, on the 22d inst., as I reported in my Despatch No. 182.

I do not know that I can add anything to the views I have already expressed, or to those which the Department must have received from a perusal of my Despatches and their enclosures.

The sale is now ordered for the 5th of July, and no steamer after this date will, Havana for the United State before that day, so that I shall in the meantime have no further opportunity of communicating with the Government by mail.

I am Sir
Your obedient servant
Dom Pedro
Consul General

List

List of Inclosures

Nº 1. Letter from Governor General to Consul General. June 22th. 1883

Nº 2 Letter from Consul General to Governor General June 25th. 1883

Nº 3. Letter from Governor General to Consul General June 27th. 1883.

Nº 4. Letter from Consul General to Governor General June 29th

Inclosure No. 1
With Despatch No. 184
Letter from Governor General
to Consul General

Muy Sr mio:

Cimpleme hacer presente á V.S. contestando su comunicatim de ayer que no está en mis atribuciones aguardar resultado, de las gestiones que su Gobierno dirija sobre el "Kettle"

La suspension accordada por mi el dia veinte fué denegada por el Gobierno telegráficamente en el mismo dia; por lo cual la venta del "Kettle" se verificará el cinco de Julio proximo, segun está anunciado en los periodicos oficiales.

Dios gue. á V.S. ms as. Habana 24 de Junio del 1853
(signed) Luis Prendergast

Sr

Por Consul General de
los Estados Unidos de America

Inclosure No. 1
With Despatch No. 181
Translation of letter from
Governor General to Consul
General

Dear Sir:

It is my duty to inform
you in answer to your com-
munication of yesterday that
it is not in my power to
wait the result of the negotiations
that your Government will
make (diriga) at Madrid
on the subject of the "Hetke".

The suspension ordered by
me on the 20th was denied
by telegram from the Govern-
ment on the same day, on
account of which the sale
of the "Hetke" will take effect
on the 5th of July next, as it
is advertised in the officials
newspapers

God grant Your Honor

many

many years Havana June 24th. 1883
(Signed) Luis Prendergast

For the Consul General of the
United States of America

Inclosure No. 2
With Dispatch No. 184
Letter from Consul General
to Governor General

His Excellency June 25th. 1883
The Governor General
Excellency:

It is with the most
serious concern that I have
the honor to acknowledge the
receipt of Y.E's communication
of the 24th inst stating that
notwithstanding Y.E's note
of the 22nd inst with regard
to the "Hettie," in which Y.E
professed that my Govern-
ment should negotiate direct
with Madrid through the
United States Minister there,
Y.E has now determined
to proceed with the sale of the
"Hettie" and not wait the
result of the negotiations
which Y.E yourself suggested

I shall

I shall have the honor to
report to my Government
this determination on the
part of Y. E. and have no
doubt it will be received
with equal surprise and
regret

I have the honor to be
Y. E's most obedient servant
(signed) Adam Badeau
Consul General

Inclosure No 3
With Despatch No 184
Letter from Governor General
to Consul General

Al tener el gusto de expresar
á' V.S. mi parecer de quela
situacion del asunto del
"Hettie" no permitia otra
cosa quelas gestiones por
la via diplomática entre
los Gobiernos de los Estados
Unidos y España hice
presente á' V.S. que no podia
suspender la subasta dela
venta del buque porque
carecia de atribuciones para
ello y porque si la mandé
suspender en 19 del actual
fué porque esperaba la
contestacion telegráfica del
Sor Ministro de Ultramar
á' mi consulta de sus-
pension dirijida en 17 del
actual en mi deseo de
complacer

complacer á V. S. y al Gobierno
de quien es muy digno
Consul, y en la eventualidad
de que si el Sor Ministro
accediese á los deseos ma-
nifestados, no fuera cate-
ril esa concesion por lle-
gar tarde y estar consumado
el acto; pero desde el mo-
mento que recibí el tele-
grama del Sor Ministro
del dia aunque S. E. no
accedia á mi peticion,
si la venta era hecha
con sujecion á las leyes
y como este punto no ha
sido controvertido por el
Capitan mediante el re-
curso de alzada que
debió entablar y no intent-
ó siquiera ante el Con-
sejo de Administracion,
y como sin ese procedi-
miento no podia yo
decidir sobre la legalidad

de

lo acordado por la Direccion
General de Hacienda, que era
firme y causaba estado, no
era posible dudar de la le-
galidad de la venta y me
vi obligado á disponer el
mismo dia 20 segun
participé á V.S. á la vez
que la subasta se llevase
á efecto y se anunció para
el dia cinco del proximo
mes, bien mandada Admi-
nistracion dos dias indis-
pensables para que fuese
conocido del publico el
acto.

Ya he dicho pues á V.S.
en ninguno de mis
escritos que suspendería
la subasta hasta que
resolviera el Gobierno el
expediente ó esperar el
resultado de las negocia-
ciones

He procedido en este
asunto

asunto mas allá de mis
atribuciones por la cir-
cunstancia y considera-
cion manifestada, como
lo ha demostrado la ne-
gativa del Sr Ministro de
Ultramar del 20, que dejo
indicada y la mas ter-
minante del telegrama
que me dirijió el 23, dis-
poniendo telegrafiase ha-
berse hecho la subasta
cuya suspension negó,
y participé a V.S. en mi
comunicacion del 24

Es cuanto puedo ma-
nifestar a V.S. por con-
testacion a su escrito
ultimo de anteayer

Dios gue a V.S. m.s a.s
Habana 27 de Junio de 1873.
(signed) Luis Prendergast

Sr Consul delos Estados Unidos
de America.—

Inclosure No 3
With Despatch No 184
Translation of letter from
Governor General to Consul
General

Government General of
The Island of Cuba

Dear Sir:

When I had the pleasure
of stating to Your Honor my
opinion that the situation of
the case of the "Nettie" permitted
no other course but proceed-
ings through the diplomatic
channel between the Govern-
ment of the United States and
Spain, I made manifest to
Your Honor that I could not
suspend the judicial sale of
the vessel, because this was
not within my authority,
and although on the 19th inst, I
ordered the suspension, it
was because I was expecting

the

telegraphic reply of the Colonial
Minister to my question
regarding the suspension ad-
dressed to him on the 14th inst,
in my desire to please you
and the Government of which
you are so worthy a Consul
and in the event that if the
Minister should accede to
the wishes expressed the
concession should not be an
empty one on account of
arriving late and after the
act referred to, should have
been consummated - but
from the moment I received
the Ministers telegram of the
2th. in which H E. did
not grant my request,
provided the Sale was
made in accordance
with the law; and as this
point had not been disputed
by the master of the ship
through the recourse of appeal
which

which he should have established but did not even attempt to do so - before the Council of Administration; and as without that proceeding I could not decide upon the legality of what had been resolved by the Direction General of Finance, which was final and irrevocable; it was not possible to doubt the legality of the sale, and I found myself obliged to order upon that same day, the 20th, as I also informed you at the same time, that the judicial sale should be carried into effect; and it was therefore advertised for the 5th of next month, the Administration taking the number of days indispensable to allow the act to be known by the public.

I have not therefore said to Your Honor in any of my communications that I should

should suspend the sale
until the Government should
decide upon the case, or should
wait the result of the negotiations

I have proceeded in the
matter rather beyond my
powers, on account of the
circumstance and consideration
already stated, as is shown
by the refusal of the Colonial
Minister of the 20th. referred to,
and the more positive telegram
addressed to me on the 23rd,
ordering me to telegraph
having made the judicial
sale, the suspension of
which was refused, as I
informed you in my com-
munication of the 24th.

Which is all I have to
state in reply to your last
communication of day before
yesterday.

God grant your Honor
many years. Havana
June

June 27th. 1883.

signed Luis Prendergast

To the Consul General of the
United States of America.

Inclosure No 4
With Despatch No. 184
Letter from Consul General
to Governor General

Havana June 29th, 1883

His Excellency
The Governor General
Excellency:

I have the honor to acknowledge the receipt of Y.E's communication of the 27th inst, with reference to the proposed sale of the "Rettie", in spite of the protest of the United States Government, and the request of the Secretary of State that the question of the legality of the proceedings should be referred to Madrid.

Y.E's previous communication of the 22nd inst stated that the diplomatic channel was the only one remaining, and proposed, as my Government had already suggested,

that

that the Minister of the United States should present the views of the Secretary of State to the Government at Madrid. This communication said not one word about proceeding with the sale, and it would certainly be preposterous to resort to diplomacy to settle a matter which would be terminated before the American Minister could present the case.

The question of the legality of the proceedings was especially left open by the Madrid Government in the telegram a copy of which G. E transmitted to me, and in which G. E is only conditionally instructed to proceed- "if in accordance with law." Upon receipt of this information my Government immediately declared that the legality of the sale was the very question to be

to be referred to Madrid, and renewed its demand for such reference.

It is not therefore the master for whom I am an advocate; it is not even he whose course is at this moment under consideration; it is the United States Government, which claims that the Spanish Government, and no subordinate, however distinguished, shall pronounce upon a matter which may very possibly be determined to be within the scope, not of Spanish, but of International law

I desire to present this consideration with all the urgency which its gravity demands, and I trust that Y.E may yet come to apprehend it from the standpoint of my Government; for I am confident that Y.E.

would

would not undertake to
pronounce upon a point
which a foreign and friendly
Government maintains
that only Governments shall
decide.

I have the honor to be
Sir Your most obedient servant
(signed) Adam Bateau
Consul General

D'Stellair

DEPARTMENT OF STATE
JUL 6 1883
RECEIVED

No. 185 Consulate General of the United States.

Havana June 30th 1883

Adam Badeau
to the Department of State.

Subject: Acknowledging receipt of Despatch No. 58 from Department in reference to application of Mr Antonio Pelletier for the guardianship of his children.

Inclosures

No 185 Consulate General of the United States

Havana June 30th 1883.

To the Honorable

John Davis

Assistant Secretary of State

Washington.

D. C.

Sir.

I have the honor to report the receipt of your Despatch No. 58 of June 20th inst. in relation to the application of Mr Antonio Pelletier, an American citizen for my intervention to secure for him the guardianship of his children, as well as his wifes obedience, and will make known to Mr Pelletier the substance of your decision

I am Sir

Your obedient servant

Adam Badeau

Consul General